

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 50

Air Quality Control

Public Comment Draft

January 29, 2004

Comment period ends March 24, 2004

**Frank Murkowski
Governor**

**Ernesta Ballard
Commissioner**

18 AAC 50.005(b) is amended to read:

18 AAC 50.005. Purpose and applicability of chapter.

(b) The requirements of this chapter apply to any person who allows or causes air **pollutants** [CONTAMINANTS] to be emitted into the ambient air. (Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.010

18 AAC 50.010(a) is amended to read:

18 AAC 50.010. Ambient air quality standards. The standards for concentrations of **pollutants** [CONTAMINANTS] in the ambient air, measured or predicted by an analytical method described in 18 AAC 50.215, are established as follows:

(1) for **particulate matter** [PM-10]:

(A) **measured as PM-10,**

(i) expected annual arithmetic mean of 50 micrograms per cubic meter; and

(ii) [(B)] 24-hour average of 150 micrograms per cubic meter, with this standard being attained when the expected number of days in a calendar year with a 24-hour average concentration above 150 micrograms per cubic meter is less than or equal to one day; **and**

(B) measured as PM 2.5,

(i) 15 micrograms per cubic meter annual arithmetic mean concentration; and

(ii) 65 micrograms per cubic meter 24-hour average concentration, the standard being met when the 98th percentile 24-hour concentration is less than or equal to 65 micrograms per cubic meter;

....

(4) for ozone:

(A) one-hour average of 235 micrograms per cubic meter, with this standard being attained when the expected number of days in a calendar year with a maximum hourly average concentration above 235 micrograms per cubic meter is less than or equal to one day; **and**

(B) 0.08 ppm daily maximum 8-hour average, with this standard

being attained when the average of the annual 4th highest daily maximum 8-hour average ozone concentration is less than 0.08 ppm;

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.010

18 AAC 50.015(a), the lead-in to (b), and (c)(2) are amended to read:

18 AAC 50.015. Air quality designations, classifications, and control regions. (a) To identify an area by its air quality, all geographic areas in the state are designated by the federal administrator as "attainment," "nonattainment," or "unclassifiable." An area is designated "attainment" for a particular **pollutant** [CONTAMINANT] if its air quality meets the ambient air quality standard for that **pollutant** [CONTAMINANT]. If air quality does not meet the ambient standard for a particular **pollutant** [CONTAMINANT], that area is designated "nonattainment" for that **pollutant** [CONTAMINANT]. If there is insufficient information to classify an area as attainment or nonattainment for a particular **pollutant** [CONTAMINANT], the area is designated "unclassifiable" for that **pollutant** [CONTAMINANT].

(b) The following areas have been designated by the federal administrator as "nonattainment" for the specified **pollutants** [CONTAMINANTS]:

....

(c) To establish standards for the prevention of significant deterioration of air quality, geographic areas in the state are

....

(2) classified as shown in Table 1 in this subsection for each air **pollutant** [CONTAMINANT] for which the area is designated "unclassifiable" or "attainment."

....

(Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

The editor's note to 18 AAC 50.015 is changed to read:

Editor's note: **The** [COMPLETE DESCRIPTIONS OF THE] nonattainment area boundaries, the air quality control region boundaries, and the Class I area boundaries [ARE PROVIDED IN 40 C.F.R. PART 81, AS AMENDED THROUGH DECEMBER 19, 1996, AND] are depicted on maps in the state air quality control plan adopted by reference in 18 AAC 50.030.

As of Register 154, July 2000, the regulations attorney under AS 44.62.125(b)(6) made a change in Table 1 at 18 AAC 50.015(c)(2), to correct a typographical error.

18 AAC 50.020 is amended to read:

18 AAC 50.020. Baseline dates and [,] maximum allowable increases[, AND MAXIMUM ALLOWABLE AMBIENT CONCENTRATIONS]. (a) In an area designated nonattainment in 18 AAC 50.015(b), the provisions of this section do not apply to the nonattainment air pollutant [CONTAMINANT]. However, this section does apply to all other air pollutant [CONTAMINANTS] listed in Table 2 in this subsection.

Table 2. Baseline Dates

Air Quality Control Region	Air <u>Pollutant</u> [CONTAMINANT]	Baseline Date
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No further changes to this table.

(b) To establish standards for the prevention of significant deterioration of air quality,

(1) baseline dates for determining the ambient concentration of certain air pollutants [CONTAMINANTS] are established for each air quality control region listed in Table 2 in (a) of this section; and

(2) maximum allowable increases also referred to as “increments” over the baseline concentration for the ambient concentration of certain air pollutants [CONTAMINANTS] are established in Table 3 in this subsection;

(3) the baseline concentrations and maximum allowable increases shall be measure or predicted by a method described in 18 AAC 50.215;

(4) for any period other than an annual period, the maximum allowable increase over the baseline concentration may be exceeded during one such period per year at any one location.

Table 3. Maximum Allowable Increases also Referred to as “Increments”

Classification of area in 18 AAC 50.015(c) Table 1	Air <u>Pollutant</u> [CONTAMINANT]	Maximum allowable increase (micrograms per cubic meter)
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No further changes to this table

(c) **Repealed** ___ / ___ / ___. [EXCEPT AS ALLOWED IN (D) OF THIS SECTION, AFTER THE BASELINE DATE, THE MAXIMUM ALLOWABLE AMBIENT CONCENTRATION OF AN AIR CONTAMINANT, MEASURED OR PREDICTED BY A METHOD DESCRIBED IN 18 AAC 50.215, IS THE LESSER OF

(1) THE CONCENTRATION FOR THAT AIR CONTAMINANT SET BY 18 AAC 50.010; OR

(2) THE BASELINE CONCENTRATION ESTABLISHED UNDER (e) OF THIS SECTION PLUS THE MAXIMUM ALLOWABLE INCREASE SET OUT IN TABLE 3 IN (b) OF THIS SECTION.]

(d) **Repealed** ___ / ___ / ___. [IF THE MAXIMUM ALLOWABLE CONCENTRATION OF AN AIR CONTAMINANT IS SET UNDER (c)(2) OF THIS SECTION, AT EACH LOCATION, FOR EACH AIR CONTAMINANT FOR WHICH A BASELINE DATE IS ESTABLISHED IN TABLE 2 IN (a) OF THIS SECTION,

(1) DURING ONE 24-HOUR PERIOD EACH YEAR, THE CONCENTRATION OF THE AIR CONTAMINANT IN THE AMBIENT AIR MAY EXCEED THE BASELINE CONCENTRATION PLUS THE 24-HOUR MAXIMUM ALLOWABLE INCREASE, IF ANY, LISTED IN TABLE 3 IN (b) OF THIS SECTION; AND

(2) DURING ONE THREE-HOUR PERIOD EACH YEAR, THE CONCENTRATION OF THE AIR CONTAMINANT IN THE AMBIENT AIR MAY EXCEED THE BASELINE CONCENTRATION PLUS THE THREE-HOUR MAXIMUM ALLOWABLE INCREASE, IF ANY, LISTED IN TABLE 3 IN (b) OF THIS SECTION.]

(e) For purposes of this section, the baseline concentration of a **pollutant** [CONTAMINANT] is determined as follows:

(1) for PM-10 and sulfur dioxide, the baseline concentration is the ambient concentration of the **pollutant** [CONTAMINANT] on the applicable baseline date, plus the contribution from allowable emissions of a **stationary source** [FACILITY] classified in 18 AAC 50.300(c) **before {effective date of the regulations}** for which construction commenced before January 6, 1975, but that was not in operation by the baseline date; however, the baseline concentration does not include actual emissions from a **PSD major stationary source or PSD major modification or a stationary source or modification** [FACILITY] described in 18 AAC 50.300(c) **before {effective date of the regulations}** or [A MODIFICATION DESCRIBED IN] 18 AAC 50.300(h)(4) for which construction commenced on or after January 6, 1975; and

(2) for nitrogen dioxide, the baseline concentration is the ambient concentration of the **pollutant** [CONTAMINANT] on the applicable baseline date, plus the contribution from allowable emissions of a **stationary source** [FACILITY] classified in 18 AAC 50.300(c) **before {effective date of the regulations}** for which construction commenced before February 8, 1988, but that was not in operation by the baseline date. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am ___/___/___, Register ___)

Register ___, _____ 200__ ENVIRONMENTAL CONSERVATION

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

18 AAC 50.030 is amended to read:

18 AAC 50.030. State air quality control plan. Volumes II and III of the *State Air Quality Control Plan* for implementing and enforcing the provisions of AS 46.14 and this chapter, as amended through April 1, 2002, are adopted by reference. The plan includes the following documents, which are also adopted by reference:

....

(9) the department's *Performance Audits for COMS*, dated **January 26, 2004** [APRIL 1, 2002]; **and**

(10) Minor Permit Application Forms, as amended through feffective date of regulations. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000; Register 152; am 12/30/2000; Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 160; am 3/2/2002, Register 161; am 5/3/2002, Register 162; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 50.035(a)(1) and the lead-in to (b) are amended to read:

18 AAC 50.035. Documents, procedures, and methods adopted by reference. (a) The following documents are adopted by reference:

(1) the department's *In Situ Burning Guidelines for Alaska*, revised **March 2001** [MAY 1994];

....

(b) The following procedures and methods set out in 40 C.F.R., revised as of **July 1, 2003** [JULY 1, 1999], are adopted by reference:

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140
AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

18 AAC 50.040 is amended to read:

18 AAC 50.040. Federal standards adopted by reference. (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as

revised as of **July 1, 2003** [JULY 1, 2001], are adopted by reference **as they apply to any stationary source required to have an operating permit under AS 46.14:**

....

(KK) [(3) FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN OPERATING PERMIT UNDER AS 46.14.130(B)(1)-(3),] the provisions of Subpart AAA (Standards of Performance for New Residential Wood Heaters), except that the operator of a wood stove may demonstrate compliance with 40 C.F.R. 60.532 by operating the wood stove in accordance with the permanent label required by 40 C.F.R. 60.536; and

(3) [(4)] the provisions of Appendices A - F.

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as amended through **July 1, 2003** [JULY 1, 2001], are adopted by reference **as they apply to any stationary source required to have an operating permit under AS 46.14:**

(1) Subpart A (General Provisions), except 40 C.F.R. 61.16 (Availability of Information);

(2) the following subparts:

(A) Subpart E (National Emission Standard for Mercury);

(B) Subpart J (National Emission Standard for Equipment Leaks (Fugitive Emission Sources) of Benzene);

(C) Subpart V (National Emission Standard for Equipment Leaks (Fugitive Emission Sources));

(D) Subpart Y (National Emission Standard for Benzene Emissions from Benzene Storage Vessels); and

(E) Subpart FF (National Emission Standard for Benzene Waste Operations);

(F) [(3)] FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN OPERATING PERMIT UNDER AS 46.14.130(B)(1)-(3), BUT NOT SOURCES EXEMPTED FROM THAT REQUIREMENT BY 18 AAC 50.330,] the Standard for Demolition and Renovation under 40 C.F.R. 61.145 and, as they apply to activities subject to 40 C.F.R. 61.145, 40 C.F.R. 61.141, 40 C.F.R. 61.149(d)(1), 40 C.F.R. 61.150, 40 C.F.R. 61.152, and Appendix A to Subpart M (Interpretive Rule Governing Roof Removal Operations);

(3) [(4)] 40 C.F.R. 61.154; and

(4) [(5)] Appendices A, B, and C.

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of **July 1, 2003** [APRIL 5, 2002], are adopted by reference **as they apply to any stationary source required to have an operating permit under AS 46.14:**

(1) [SECTIONS OF] Subpart A (General Provisions)[, AS FOLLOWS:

(A) 40 C.F.R. 63.1 - 40 C.F.R. 63.4;

(B) 40 C.F.R. 63.5, EXCEPT THAT 40 C.F.R. 63.5(B)(3), (D), AND (E) DO NOT APPLY EXCEPT AS DESCRIBED IN (C) OF THIS PARAGRAPH;

(C) 40 C.F.R. 63.5(B)(3), (D), AND (E) AS THEY APPLY TO A HAZARDOUS AIR CONTAMINANT MAJOR FACILITY THROUGH A PERMIT CONDITION UNDER 18 AAC 50.345(B);

(D) 40 C.F.R. 63.6, WITH THE CLARIFICATION THAT THE FEDERAL REGISTER NOTICE OR PROMULGATION REQUIRED UNDER 40 C.F.R. 63.6(G) OR (H)(9)(III) WILL BE SATISFIED BY THE ADOPTION OF AN APPROPRIATE REGULATION UNDER STATE LAW; AND

(E) 40 C.F.R. 63.7 - 40 C.F.R. 63.11];

(2) Subpart B (Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)), except that

(A) 40 C.F.R. 63.50 and 40 C.F.R. 63.54 are not adopted; **and**

(B) the requirements of 40 C.F.R. 63.51 - 40 C.F.R. 63.53, 40 C.F.R. 63.55, and 40 C.F.R. 63.56 apply to the owner or operator of a hazardous air **pollutant** [CONTAMINANT] major **source** [FACILITY] that includes one or more sources from a category or subcategory established under 42 U.S.C. 7412(c)(1) (Clean Air Act, sec. 112(c)(1)) for which the EPA administrator has failed to promulgate an emission standard within 18 months after the deadline established for doing so in 42 U.S.C. 7412(e) (Clean Air Act, sec. 112(e));

[(C) THE REQUIREMENTS OF 40 C.F.R. 63.43(F)-(H) APPLY TO THE OWNER OR OPERATOR OF A FACILITY THAT CONTAINS A SOURCE

(I) THAT IS A MAJOR SOURCE, AS DEFINED IN 42 U.S.C. 7412(A) (CLEAN AIR ACT, SEC. 112(A));

(II) FOR WHICH RECONSTRUCTION IS PROPOSED; AND

(III) FOR WHICH A CONSTRUCTION PERMIT IS NOT REQUIRED UNDER THIS CHAPTER; AND

(D) IN 40 C.F.R. 63.40 - 40 C.F.R. 63.44, "EFFECTIVE DATE OF SECTION 112(G)(2)(B)" MEANS JUNE 29, 1998;]

(3) Subpart D (Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants);

(4) Subpart M (National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities);

(5) Subpart N (Chromium Electroplating and Anodizing);

(6) Subpart Q (Industrial Process Cooling Towers);

(7) Subpart R (Gasoline Distribution Facilities: Bulk Gasoline Terminals and Pipeline Breakout Stations);

(8) Subpart T (Halogenated Solvent Cleaning);

(9) Subpart Y (Marine Tank Vessel Loading Operations);

(10) Subpart CC (Petroleum Refineries);

(11) Subpart DD (Off-Site Waste and Recovery Operations);

(12) Subpart GG, (Aerospace Manufacturing and Rework Facilities);

(13) Subpart HH (Oil and Natural Gas Production Facilities);

(14) Subpart II (Shipbuilding and Ship Repair);

(15) Subpart JJ (Wood Furniture Manufacturing);

(16) Subpart KK (Printing and Publishing Industry);

(17) Subpart HHH (Natural Gas Transmission and Storage Facilities);

(18) Subpart LLL (Portland Cement Plants);Appendix A (Test Methods);

(19) **Subpart UUU (National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units;**

(20) Subpart AAAA (National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills);

(21) Subpart EEEE (National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline));

(22) Subpart GGGGG (National Emission Standards for Hazardous Air Pollutants: Site Remediation);

(23) Subpart PPPPP (National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stand);

(24) Appendix A (Test Methods);

(25) [(20)] Appendix B (Sources Defined for Early Reduction Provisions).

(d) The provisions of 40 C.F.R. Part 82, revised as of **July 1, 2003** [JULY 1, 2001], are adopted by reference to the extent that they apply to sources at a facility required to have an operating permit under AS 46.14.130(b) or this chapter.

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of **July 1, 2003** [JULY 1, 2001], as they apply to sources at a facility classified under 18 AAC 50.325(b)(1) or (b)(2), are adopted by reference.

(f) The provisions of 40 C.F.R. Part 51, Appendix W, (Guideline on Air Quality Models (Revised)), revised as of **July 1, 2003** [JULY 1, 2001], are adopted by reference.

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), revised as of **October 3, 2003** [JULY 1, 2001], are adopted by reference:

(1) Subpart FFF (Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994);

(2) Subpart GGG (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991, and Have Not Been Modified or Reconstructed Since May 30, 1991);

(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996);

(4) Subpart III (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999);

(5) Subpart JJJ (Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999).

18 AAC 50.040 is amended to add a new subsections to read:

(h) The provisions of federal PSD permit regulations listed in (1) – (19) of this section are adopted by reference as amended through December 31, 2003; 40 C.F.R. 51.166(b)(55) –

(58), (cc), and the changes to (b)(2)(iii)(a) which are in the October 27, 2003 Federal Register, become effective on the effective date of this section or on the date they become effective under federal law, whichever is later; the adopted federal regulations are:

- (1) 40 C.F.R. 51.166(q)(2) (Public Participation);
- (2) 40 C.F.R. 52.166(f) (Exclusions from Increment Consumption);
- (3) 40 C.F.R. 52.21(b) (Definitions);
- (4) 40 C.F.R. 52.21(h) (Stack Heights);
- (5) 40 C.F.R. 52.21(i) (Source Applicability and Exemptions);
- (6) 40 C.F.R. 52.21(j) (Control Technology Review);
- (7) 40 C.F.R. 52.21(k) (Source Impact Analysis);
- (8) 40 C.F.R. 52.21(l) (Air Quality Models);
- (9) 40 C.F.R. 52.21(m) (Air Quality Analysis);
- (10) 40 C.F.R. 52.21(n) (Source Information);
- (11) 40 C.F.R. 52.21(o) (Additional Impact Analysis);
- (12) 40 C.F.R. 52.21(p) (Sources Impacting Federal Class I Areas);
- (13) 40 C.F.R. 52.21(r) (Source Obligation);
- (14) 40 C.F.R. 52.21(v) (Innovative Control Technology);
- (15) 40 C.F.R. 52.21(x) (Clean Unit Test);
- (16) 40 C.F.R. 52.21(y) (Clean Unit Provisions – Emission Limitation Comparable To BACT);
- (17) 40 C.F.R. 52.21(z) (Pollution Control Projects);
- (18) 40 C.F.R. 52.21(aa) (Actuals PALs);
- (19) 40 C.F.R. 52.21(cc) (Routine Maintenance Replacement and Repair).

(i) The following provisions of federal permit regulations are adopted by reference as revised as of December 31, 2003. Any statements in the regulations that refer to what a plan shall or may contain will be interpreted to mean that the subsequent material is adopted by reference by this section. 40 C.F.R. 51.165(a)(1)(xliii) – (xlvi), (h), and the changes to (a)(1)(v)(c)(1) which are in the October 27, 2003 Federal Register, become effective on the

effective date of this section or on the date they become effective under federal law, whichever is later; the adopted federal regulations are:

- (1) 40 C.F.R. 51.165(a)(1) (Definitions);
- (2) 40 C.F.R. 51.165(a)(2)(ii) (Major Modifications);
- (3) 40 C.F.R. 51.165(a)(3) (Offset Credits);
- (4) 40 C.F.R. 51.165(a)(4) (Fugitive Emissions);
- (5) 40 C.F.R. 51.165 (a)(5) (Source Obligations);
- (6) 40 C.F.R. 51.165(a)(6) (Projected Actual Emissions);
- (7) 40 C.F.R. 51.165(c) (Clean Unit Test);
- (8) 40 C.F.R. 51.165(d) (Clean Unit Provisions – Emission Limitation Comparable to LAER);
- (9) 40 C.F.R. 51.165(e) (Pollution Control Project);
- (10) 40 C.F.R. 51.165(f) (Actuals PALs);
- (11) 40 C.F.R. 51.165(h) (Routine Maintenance Replacement and Repair).

(j) The provisions of following federal Title V permit regulations are adopted by reference as amended through July 1, 2003. In the adopted material, the term “permitting authority” means “department.”:

- (1) 40 C.F.R. 71.2 (Definitions);
- (2) 40 C.F.R. 71.3 (Sources Subject to Permitting Requirements);
- (3) 40 C.F.R. 71.5 (Permit Applications, Except 71.5(a)(1)(i) – (ii) and (a)(3));
- (4) 40 C.F.R. 71.6 (Permit Content, Except 71.6(a)(2) and (c)(2));
- (5) 40 C.F.R. 71.7 (Permit Issuance, Renewal, Reopenings and Revisions);
- (6) 40 C.F.R. 71.8 (Affected State Review);
- (7) 40 C.F.R. 71.10(d)-(i) (Delegation);
- (8) 40 C.F.R. 71.11(a)-(k) (Administrative Record, Public Participation, and Administrative Review);
- (9) 40 C.F.R. 71.12 (Prohibited Acts). (Eff. 1/18/97, Register 141; am 6/14/98,

Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 6/01/2002, Register 162; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

The editor's note to 18 AAC 50.040 is changed to read:

Editor's note: The federal standards adopted by reference in 18 AAC 50.040 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office.

The owner or operator of an affected facility subject to a federal emission standard that is not at a stationary source subject to a Title V permit should contact EPA. [FOR EMISSIONS STANDARDS UNDER 40 C.F.R. 63, SUBPART N, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) HAS NOT DELEGATED ITS AUTHORITY FOR CHROMIUM ELECTROPLATERS OR ANODIZERS AT A FACILITY THAT DOES NOT REQUIRE A STATE OPERATING PERMIT UNDER 18 AAC 50.325 - 18 AAC 50.380. AN OWNER OR OPERATOR OF A CHROMIUM ELECTROPLATER OR ANODIZER DESCRIBED IN THIS NOTE SHOULD CONTACT EPA.

EPA HAS NOT DELEGATED ITS AUTHORITY FOR PRECONSTRUCTION REVIEW REQUIREMENTS UNDER 40 C.F.R. 63.5(b)(3), (d), AND (e). A HAZARDOUS AIR CONTAMINANT SOURCE THAT REQUIRES A CONSTRUCTION PERMIT UNDER 18 AAC 50.300 MAY ALSO BE SUBJECT TO PRECONSTRUCTION REVIEW BY EPA UNDER 40 C.F.R. 63.5.

EPA HAS NOT DELEGATED ITS AUTHORITY FOR APPROVING ALTERNATE EMISSION STANDARDS UNDER 40 C.F.R. 63.6(g). APPROVALS FOR ALTERNATE EMISSION LIMITS MUST BE APPROVED BY THE DEPARTMENT AND BY EPA UNDER 40 C.F.R. 63.6(G).]

18 AAC 50.045(b), (c), (f), and (g) are amended to read:

18 AAC 50.045. Prohibitions.

(b) A person who owns or operates a **stationary source** [FACILITY] that emits an air **pollutant** [CONTAMINANT] subject to this chapter shall ensure that the **stationary source** [FACILITY] complies with this chapter and any other applicable local, state, or federal law.

(c) A person may not construct, operate, or modify a **stationary** source that will result in a violation of the applicable emission standards or that will interfere with the attainment or maintenance of ambient air quality standards or maximum allowable ambient concentrations.

....

(f) Subject to (g) of this section, as used in this section, "dispersion technique" means a technique that attempts to reduce the concentration of an air **pollutant** [CONTAMINANT] in the ambient air by

(1) using that portion of a stack that exceeds good engineering practice stack height;

(2) varying the emissions rate of an air **pollutant** [CONTAMINANT] according to atmospheric conditions or ambient concentrations of that air **pollutant** [CONTAMINANT]; or

(3) increasing exhaust gas plume rise by

(A) manipulating a source process parameter, exhaust gas parameter, or stack parameter;

(B) combining exhaust gases from several existing stacks into one stack;

or

(C) other selective handling of exhaust gas streams.

(g) The following are not dispersion techniques for purposes of this section:

(1) reheating a gas stream to its original discharge temperature after use of an emission control system;

(2) combining the exhaust gases from several stacks into one stack if the **stationary source** [FACILITY] was originally designed and constructed with combined exhaust streams;

(3) combining the exhaust gases from several stacks into one stack, if done when an emission control system is installed and results in a net reduction in the allowable emissions of the controlled air **pollutant** [CONTAMINANT]; or

(4) any technique that increases the exhaust gas plume rise if the allowable emissions of sulfur dioxide from the **stationary source** [FACILITY] are less than 5,000 tons per year. (Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030
AS 46.14.010

18 AAC 50.052 is repealed:

18 AAC 50.052. Emission standards for certain municipal solid waste landfills.
Repealed. [(a) THE OWNER OR OPERATOR OF A MUNICIPAL SOLID WASTE LANDFILL (MSWLF) SHALL COMPLY WITH THE REQUIREMENTS OF (b) - (g) OF THIS SECTION IF

(1) THE LANDFILL DESIGN CAPACITY, MEASURED USING MEGAGRAMS OR CUBIC METERS, IS

(A) 2.5 MILLION MEGAGRAMS OR LARGER; OR

(B) 2.5 MILLION CUBIC METERS OR LARGER;

(2) CONSTRUCTION, RECONSTRUCTION, OR MODIFICATION OF THE MSWLF BEGAN BEFORE MAY 30, 1991;

(3) THE MSWLF ACCEPTED WASTE ON OR AFTER NOVEMBER 8, 1987;
AND

(4) UNCONTROLLED EMISSIONS OF NONMETHANE ORGANIC COMPOUNDS (NMOC) ARE 50 MEGAGRAMS PER YEAR OR MORE, COMPUTED IN ACCORDANCE WITH 40 C.F.R. 60.754, ADOPTED BY REFERENCE IN 18 AAC 50.040(a).

(b) THE OWNER OR OPERATOR SHALL INSTALL A SYSTEM TO COLLECT AND CONTROL LANDFILL GAS NO LATER THAN 30 MONTHS AFTER BECOMING SUBJECT TO (a) OF THIS SECTION AND SHALL ENSURE THAT LANDFILL EMISSIONS ARE CONTROLLED BY

(1) AN OPEN FLARE DESIGNED AND OPERATED AS REQUIRED BY 40 C.F.R. 60.18, ADOPTED BY REFERENCE IN 18 AAC 50.040(a);

(2) A CONTROL DEVICE DESIGNED AND OPERATED TO REDUCE NMOC BY AT LEAST 98 PERCENT BY WEIGHT; OR

(3) AN ENCLOSED COMBUSTOR DESIGNED AND OPERATED TO REDUCE THE OUTLET NMOC CONCENTRATION TO 20 PARTS PER MILLION OR LESS BY VOLUME AS HEXANE, DRY BASIS, AT 3 PERCENT OXYGEN.

(c) THE OWNER OR OPERATOR SHALL SUBMIT WITH THE INITIAL OPERATING PERMIT APPLICATION FOR THE MSWLF A COLLECTION AND CONTROL SYSTEM DESIGN PLAN PREPARED BY A REGISTERED ENGINEER. THE OWNER OR OPERATOR SHALL

(1) ENSURE THAT THE DESIGN CONFORMS TO THE COLLECTION SYSTEM DESIGN SPECIFICATIONS OF 40 C.F.R. 60.759, ADOPTED BY REFERENCE IN 18 AAC 50.040(a); OR

(2) DEMONSTRATE THAT THE DESIGN IS CAPABLE, WITH PROPER OPERATION AND MAINTENANCE, OF ACHIEVING COMPLIANCE WITH (b) OF THIS SECTION AND WITH 40 C.F.R. 60.752(B)(2)(II) AND 40 C.F.R. 60.753, ADOPTED BY REFERENCE IN 18 AAC 50.040(a); THE DESIGN UNDER THIS PARAGRAPH MUST BE APPROVED IN WRITING BY THE DEPARTMENT BEFORE CONSTRUCTION OF THE SYSTEM IS COMMENCED.

(d) WITHIN 18 MONTHS AFTER SUBMITTING THE DESIGN PLAN UNDER (c) OF THIS SECTION, THE OWNER OR OPERATOR SHALL INSTALL A LANDFILL GAS COLLECTION AND CONTROL SYSTEM THAT CONFORMS WITH

(1) THE REQUIREMENTS OF 40 C.F.R. 60.759 OR AN ALTERNATIVE

DESIGN APPROVED IN WRITING BY THE DEPARTMENT; AND

(2) THE REQUIREMENTS OF 40 C.F.R. 60.752(b)(2)(ii), ADOPTED BY REFERENCE IN 18 AAC 50.040(a).

(e) AFTER INSTALLATION OF THE LANDFILL GAS COLLECTION AND CONTROL SYSTEM, THE OWNER OR OPERATOR SHALL OPERATE THAT SYSTEM IN COMPLIANCE WITH 40 C.F.R. 60.753, ADOPTED BY REFERENCE IN 18 AAC 50.040(a).

(f) THE OWNER OR OPERATOR SHALL COMPLY WITH 40 C.F.R. 60.755, ADOPTED BY REFERENCE IN 18 AAC 50.040(a).

(g) THE OWNER OR OPERATOR SHALL COMPLY WITH THE MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS OF 40 C.F.R. 60.756, 40 C.F.R. 60.757 AND 40 C.F.R. 60.758, ADOPTED BY REFERENCE IN 18 AAC 50.040(a).

(h) THE OWNER OR OPERATOR OF A MSWLF DESCRIBED IN (a)(1)-(3) OF THIS SECTION SHALL, NO LATER THAN JULY 16, 1998, SUBMIT TO THE DEPARTMENT A WRITTEN REPORT OF THE NMOC EMISSION RATE FOR THE CALENDAR YEAR 1997, CALCULATED IN ACCORDANCE WITH 40 C.F.R. 60.754. THE REPORT MUST INCLUDE SUPPORTING CALCULATIONS. IF THE CALCULATIONS SHOW THAT THE RATE IS

(1) 50 MEGAGRAMS OR MORE PER YEAR, THE MSWLF BECOMES SUBJECT TO (a) OF THIS SECTION ON JULY 16, 1998, AND THE OWNER OR OPERATOR SHALL SUBMIT A COMPLETE APPLICATION FOR AN AIR QUALITY OPERATING PERMIT UNDER 18 AAC 50.335 NO LATER THAN JULY 16, 1999; OR

(2) LESS THAN 50 MEGAGRAMS PER YEAR, THE OWNER OR OPERATOR SHALL, BY MARCH 1 EACH YEAR, SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT OF THE NMOC EMISSION RATE FOR THE PREVIOUS CALENDAR YEAR, USING THE PROCEDURES IN 40 C.F.R. 60.754; THE REPORT MUST INCLUDE SUPPORTING CALCULATIONS; A FACILITY SUBJECT TO THIS PARAGRAPH BECOMES SUBJECT TO (a) OF THIS SECTION ON MARCH 1 OF THE YEAR THAT THE ANNUAL REPORT SHOWS THE FACILITY EMITS 50 MEGAGRAMS PER YEAR OR MORE; AFTER A FACILITY BECOMES SUBJECT TO (a) OF THIS SECTION, FURTHER REPORTING UNDER THIS PARAGRAPH IS NOT REQUIRED.

(i) FOR PURPOSES OF THIS SECTION,

(1) "LANDFILL GAS" MEANS METHANE AND NONMETHANE ORGANIC COMPOUNDS THAT, IN THE ABSENCE OF A COLLECTION AND CONTROL SYSTEM, WOULD BE EMITTED BY A SOLID WASTE LANDFILL; AND

(2) "NMOC" MEANS NONMETHANE ORGANIC COMPOUNDS, MEASURED ACCORDING TO THE PROVISIONS OF 40 C.F.R. 60.754, ADOPTED BY REFERENCE IN 18 AAC 50.040(a)(2). (Eff. 6/21/98, Register 146; repealed ___/___/___, Register ___)

18 AAC 50.055(a)(5) and (6), (d)(2)(B), (e), and (g) are amended to read:

18 AAC 50.055. Industrial processes and fuel-burning equipment. (a) Visible emissions, excluding condensed water vapor, from an industrial process or fuel-burning equipment may not reduce visibility through the exhaust effluent by

. . . .

(5) 20 percent or greater averaged over any six consecutive minutes for process emissions, other than from a pneumatic cleaner, at a coal preparation **plant** [FACILITY] constructed or modified after November 1, 1982;

(6) 10 percent or greater averaged over any six consecutive minutes for a pneumatic cleaner constructed or modified at a coal preparation **plant** [FACILITY] after November 1, 1982;

. . . .

(d) At a petroleum refinery, emissions from the following sources, constructed or modified after November 1, 1982, may not exceed the following:

. . . .

(2) for a sulfur recovery plant rated at more than 20 long tons per day

(A) 250 ppm sulfur dioxide at zero percent oxygen on a dry basis; or

(B) 10 ppm hydrogen sulfide and a total of 300 ppm reduced sulfur compounds, expressed as sulfur dioxide, at zero percent oxygen on a dry basis, if the air **pollutants** [CONTAMINANTS] are not oxidized before release to the atmosphere; and

. . . .

(e) At a coal preparation **plant** [FACILITY], emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

. . . .

(g) Release of materials other than process emissions, products of combustion, or materials introduced to control pollutant emissions from a stack at a **stationary** source constructed or modified after November 1, 1982, is prohibited [UNLESS APPROVED IN WRITING BY THE DEPARTMENT. THE DEPARTMENT WILL APPROVE A RELEASE DESCRIBED IN THIS SUBSECTION ONLY IF

(1) THE PERSON PROPOSING THE RELEASE SUPPLIES THE INFORMATION LISTED IN 18 AAC 50.310(m); AND

(2) THE DEPARTMENT FINDS THAT THE PROPOSED RELEASE WILL MEET THE CRITERIA IN 18 AAC 50.315(e)(9). (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 11/4/99, Register 152; am 5/3/2002, Register 162; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

The lead-in to 18 AAC 50.090(a) is amended to read:

18 AAC 50.090. Volatile liquid loading racks and delivery tank emission standards.

(a) The owner, operator, or permittee of a stationary source [FACILITY] that is located in the Port of Anchorage and that has a volatile liquid loading rack with a design throughput of 15 million gallons (357,143 barrels) or more per year shall reduce organic vapors emitted to the atmosphere by

....

(Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.100 is amended to read:

18 AAC 50.100. Nonroad engines. The actual and potential emissions of nonroad engines are not included when determining the classification of a stationary source [FACILITY] or modification under AS 46.14.130[, 18 AAC 50.300, OR 18 AAC 50.325]. Nothing in this subsection exempts nonroad engines from compliance with other applicable air pollution control requirements. (Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030
AS 46.14.020

18 AAC 50.200 is amended to read:

18 AAC 50.200. Information requests. If requested by the department to determine compliance with AS 46.03, AS 46.14, and this chapter, the owner, operator, or permittee of a stationary source shall maintain records of, and report to the department information on, the nature and amount of emissions from the stationary source and other information designated by the department. (Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020

18 AAC 50.201(a), (b), and (d) are amended to read:

18 AAC 50.201 Ambient air quality investigation. (a) Upon a finding by the department that emissions from an existing stationary source [FACILITY] have a reasonable likelihood of causing or significantly contributing to ambient concentrations of one or more air pollutants [CONTAMINANTS] that exceed an ambient air quality standard, maximum allowable ambient concentration, or the limitations of 18 AAC 50.110, the department may [WILL, IN ITS DISCRETION, require the owner, operator, or permittee to evaluate the effect of the stationary source's [FACILITY'S] emissions of those air pollutants [CONTAMINANTS] on ambient air or on the limitations of 18 AAC 50.110 that are at issue. An evaluation submitted under 18 AAC 50.306 [18 AAC 50.310], 18 AAC 50.540, this section, or prior equivalent regulations, and deemed complete by the department, must satisfy the evaluation requirements of this section, and any prior analysis must accurately represent the stationary source's [FACILITY'S] emissions.

(b) Based on an evaluation submitted under (a) of this section or other information in the department's possession and subject to AS 46.14.010(e), the department may [WILL, IN ITS DISCRETION,] require an existing stationary source [FACILITY] to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants [CONTAMINANTS] in the ambient air does not exceed the ambient air quality standards, maximum allowable ambient concentrations, or the limitations of 18 AAC 50.110. A reduction or control strategy may be imposed as a source-specific [FACILITY-SPECIFIC] permit condition or as a regulation. Before imposing a reduction or control strategy, the department will consult with the affected owner, operator, or permittee and provide the affected public an opportunity for comment and hearing. To the extent practicable, given the costs of determining an equitable allocation, any emission reduction or control strategy imposed under this section will be equitably allocated among stationary, mobile, and area sources and source categories based upon their relative contribution to the ambient impacts of concern, the cost of additional controls, and other equitable factors.

....

(d) The provisions of this section do not apply if the area affected by the emissions of an air pollutant [CONTAMINANT] is designated nonattainment for that air pollutant [CONTAMINANT] under 18 AAC 50.015.

....

(Eff. 1/18/97, Register 141; am ___/___/____, Register ___)

Authority:	AS 46.03.020	AS 46.14.030	Sec. 30, ch. 74, SLA 1993
	AS 46.14.020	AS 46.14.120	

18 AAC 50.205 is amended to read:

18 AAC 50.205. Certification. Any permit application, report, or compliance certification required by the department under a permit program established under AS 46.14 or this chapter must include the signature of a responsible official for the permitted stationary source [FACILITY] following the statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document

are true, accurate, and complete." When certifying a permit application or compliance certification, the official's signature must be notarized. (Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993
AS 46.14.020 AS 46.14.140

18 AAC 50.210 is repealed:

18 AAC 50.210. Potential to emit. Repealed. (Eff. 1/18/97, Register 141; repealed ___/___/___)

18 AAC 50.215(a)(1) is amended to read:

18 AAC 50.215. Ambient air quality analysis methods. (a) A person who submits ambient air monitoring data under AS 46.03, AS 46.14, or this chapter shall obtain the data in accordance with

(1) the department's *Alaska Quality Assurance Manual For Ambient Air Quality Monitoring*, adopted by reference in 18 AAC 50.030, for PM-10, **PM-2.5**, total suspended particulates (TSP), lead, carbon monoxide, nitrogen dioxide, sulfur dioxide, and ammonia;

18 AAC 50.215(b)(1) and (2) and (c)(3) are amended to read:

(b) Except as provided in (c) of this section, a person who submits an analysis performed to predict ambient air quality conditions shall

(1) ensure that estimates of ambient concentrations and impairment to visibility are based on applicable air quality models, databases, and other requirements specified in the EPA's *Guideline on Air Quality Models (Revised)*, adopted by reference in **18 AAC 50.040(f)** [18 AAC 50.030]; and

(2) **for comparing predicted or measured ambient concentrations of a pollutant to a maximum allowable increase** [IF THE MAXIMUM ALLOWABLE AMBIENT CONCENTRATION OF AN AIR CONTAMINANT IS] established under 18 AAC 50.020(c)(2), exclude

(A) concentrations attributable to a temporary construction activity for a new or modified source; and

(B) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources included in the baseline concentration.

(c) A person may substitute or modify an air quality model referenced in (b) of this section only after

....

(3) obtaining approval from the federal administrator and the commissioner for the substitution or modification if an ambient air quality analysis is required by **18 AAC 50.310** [18 AAC 50.310(d)].

18 AAC 50.215 is amended by adding a new subsection to read:

(d) For ambient impact analysis conducted for purposes other than requirements of 18 AAC 50.310, Table 5 establishes the significant impact level for each pollutant and averaging time. If the ambient impacts from emissions from a stationary source or modification are less than these concentrations, then the emissions are not considered to cause or contribute to a violation of an ambient air quality standard or maximum allowable increase for a Class II area.

Table 5. Significant Impact Levels (SILs)

	Annual	Averaging time (hours)			
		24	8	3	1
Pollutant					
SO ₂	1.0 µg/m ³	5 µg/m ³	.....	25 µg/m ³	.....
PM-10.....	1.0 µg/m ³	5 µg/m ³	.....	.....	.....
NO ₂	1.0 µg/m ³	.....	.....	.....	.....
CO.....	.....	.....	500 µg/m ³	.....	2000 µg/m ³

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am __/__/____, Register __)

Authority: AS 46.03.020 AS 46.14.140 Sec. 30, ch. 74, SLA 1993
AS 46.14.030 AS 46.14.180

18 AAC 50.225 is repealed:

18 AAC 50.225. Owner-requested limits. Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; repealed __/__/____, Register __)

18 AAC 50.230 is repealed:

18 AAC 50.230. Preapproved limits. Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; repealed __/__/____, Register __)

18 AAC 50.235(b) is amended to read:

18 AAC 50.235. Unavoidable emergencies and malfunctions.

(b) A person who asserts the affirmative defense recognized in AS 46.14.560 must demonstrate that

(1) an unavoidable emergency, malfunction, or nonroutine repair of **an emission unit** [A SOURCE] occurred, and the person can identify the cause;

(2) the **stationary source** [FACILITY] was being properly operated when the event described in (1) of this subsection occurred; and

(3) the person took the steps required under (a) of this section.

(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.560

18 AAC 50.240(c) is amended to read:

18 AAC 50.240. Excess emissions.

(c) Excess emissions that present a potential threat to human health or safety or that the owner, operator, or permittee believes to be unavoidable must be reported to the department as soon as possible. Unless otherwise specified in the **stationary source's** [FACILITY'S] permit, other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner. If requested by the department, the owner, operator, or permittee shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

....

(Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.560
AS 46.14.030

18 AAC 50.245(a) and (c) are amended to read:

18 AAC 50.245. Air episodes and advisories. (a) The department **may** [WILL, IN ITS DISCRETION,] declare an air episode and prescribe and publicize curtailment action if the concentration of an air **pollutant** [CONTAMINANT] in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 5 in this subsection.

Table 6 [5]. Concentrations Triggering an Air Episode

Episode Type	Air Pollutant [CONTAMINANT]	Concentration in micrograms per cubic meter {and in ppm where applicable}
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No further changes to this table

....

(c) If the department declares an air quality advisory under (b) of this section, the department will

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose **stationary source's** [FACILITY'S] emissions might impact the area subject to the advisory; and

(2) publicize actions to be taken to protect public health.

....

(Eff. 1/18/97, Register 141; am ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993
AS 46.14.010 AS 46.14.030

18 AAC 50.250(d)(4), (d)(5), and (e)(1) are amended to read:

18 AAC 50.250. Procedures and criteria for revising air quality classifications.

(d) Before proposing a change to a geographic air quality classification, the department will prepare, and a person submitting a petition under AS 44.62.220 must provide, a report that includes

....

(4) a detailed evaluation of new emissions and ambient air quality impacts expected to occur in the area to be reclassified and in adjacent areas as a result of a modification to a **stationary source** [FACILITY] in that area or from construction and operation of a new **stationary source** [FACILITY] in that area

....

(5) an evaluation of the effects on air quality in other geographic areas classified in 18 AAC 50.015(c) of any proposed new or modified **stationary source** [FACILITY] in the area to be reclassified; and

....

(e) Before the commissioner will adopt an amendment to 18 AAC 50.015(c) that changes the air quality classification of an area of the state,

(1) for any change,

(A) the federal administrator must have approved the change;

(B) **the department must have conferred with any local elected officials in the area that would be affected by the change;**

(C) the department must have notified each affected federal land manager of the proposed change and provided at least 30 days to comment on the report described in (d) of this section;

(D) [(C)] the department must have published in a newspaper of general circulation in the state a summary of the comments and recommendations of any affected federal land manager received under (B) of this paragraph and an explanation of the reasons for implementing a change that is inconsistent with the recommendations of the federal land manager; and

(E) [(D)] the commissioner must have determined that

(i) the health, environmental, economic, social, and energy effects of the change are in the public interest; and

(ii) implementing the change will not cause or contribute to a violation of the ambient air quality standards or maximum allowable ambient concentrations;

....

(Eff. 1/18/97, Register 141; am ____/____/____, Register ____)

Authority:	AS 44.62.210	AS 44.62.230	AS 46.14.030
	AS 44.62.220	AS 46.03.020	

Article 3. Major Stationary Source Permits
[PERMIT PROCEDURES AND REQUIREMENTS].

Section

300. **(Repealed)** [CONSTRUCTION PERMITS: CLASSIFICATIONS]

301. Permit continuity

305. **(Repealed)** [CONSTRUCTION PERMIT PROVISIONS REQUESTED BY THE OWNER OR OPERATOR]

306. Prevention of significant deterioration (PSD) program permits

310. **(Repealed)** [CONSTRUCTION PERMITS: APPLICATION]

311. Nonattainment area major stationary source permits

315. **(Repealed)** [CONSTRUCTION PERMITS: REVIEW AND ISSUANCE]

316. Presconstruction review for construction or reconstruction of a major source of hazardous air pollutants

320. **(Repealed)** [CONSTRUCTION PERMITS: CONTENT AND DURATION]

321. Case-by-case maximum achievable control technology determinations

322. **(Repealed)** [CONSTRUCTION PERMITS: REOPENINGS]

325. **(Repealed)** [OPERATING PERMITS: CLASSIFICATIONS]

326. Title V operating permits

330. **(Repealed)** [OPERATING PERMITS: EXEMPTIONS]

335. **(Repealed)** [OPERATING PERMITS: APPLICATION]

340. **(Repealed)** [OPERATING PERMITS: REVIEW AND ISSUANCE]

341. **(Repealed)** [OPERATING PERMITS: REOPENINGS]

345. Construction and operating permits: standard permit conditions

346. Construction and operating permits: other permit conditions

350. **(Repealed)** [OPERATING PERMITS: CONTENT]

355. **(Repealed)** [CHANGES TO A PERMITTED FACILITY]

360. **(Repealed)** [FACILITY CHANGES THAT VIOLATE A PERMIT CONDITION]

365. **(Repealed)** [FACILITY CHANGES THAT DO NOT VIOLATE A PERMIT CONDITION]

370. **(Repealed)** [ADMINISTRATIVE REVISIONS]

375. **(Repealed)** [MINOR AND SIGNIFICANT PERMIT REVISIONS]

380. **(Repealed)** [GENERAL OPERATING PERMITS]

385. **(Repealed)** [PERMIT-BY-RULE FOR SMALL STORAGE TANKS]

390. **(Repealed)** [PERMIT-BY-RULE FOR DRILLING RIGS AND ASSOCIATED EQUIPMENT]

18 AAC 50.300 is repealed:

18 AAC 50.300. Construction permits: classifications. Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 2/2/2002, Register 161; am 5/3/2002, Register 162; repealed __/__/__, Register __)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.301. Permit continuity. (a) An air quality permit that is effective under 18 AAC 50 as of *{the effective date of the regulations}* remains in effect until it

(1) expires, consistent with AS 46.14.230;

(2) is revoked by the department under AS 46.14.280; or

(3) is replaced by a permit issued under this chapter. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.230
	AS 46.14.010	AS 46.14.130	AS 46.14.280
	AS 46.14.020	AS 46.14.140	

18 AAC 50.305 is repealed:

18 AAC 50.305. Construction permit provisions requested by the owner or operator. Repealed. (Eff. 1/18/97, Register 141; repealed ___/___/___, Register ___)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.306. Prevention of significant deterioration (PSD) program permits. (a) An owner or operator must obtain a PSD program permit under this section before beginning actual construction of a new major stationary source, a major modification, or PAL major modification of an existing major stationary source.

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040. In 40 C.F.R. 52.21 the term “administrator” means

(A) “federal administrator” in the 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (g)(1) – (6), (l)(2), and (p)(2); and

(B) “department” elsewhere.

(c) The department will issue each permit under this section following the procedures and other requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040, and

(1) exclusions from increment consumption shall apply to the maximum extent allowed under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040;

(2) the department will provide notice and opportunity for public comment consistent with 40 C.F.R. 51.166(q)(2), adopted by reference in 18 AAC 50.040; and

(3) the department shall provide at least 30 days for the public to comment, and at least 30 days notice before any public hearing.

(d) In each construction permit issued under this section, the department will include terms and conditions as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with the requirements 40 C.F.R. 52.21,

including terms and conditions consistent with AS 46.14.180 that require the permittee to

- (1) install, use and maintain monitoring equipment;
- (2) sample emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;
- (3) provide source test reports, monitoring data, emissions data, and information from analysis of any test samples;
- (4) keep records; and
- (5) make periodic reports on process operations and emissions. (Eff. ____/____/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.310 is repealed:

18 AAC 50.310. Construction permits: application. Repealed. (Eff. 1/18/97, Register 141; repealed ____/____/____, Register ____)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.311. Nonattainment area major stationary source permits. (a) Consistent with the provisions of 40 C.F.R. 51.165, adopted by reference in 18 AAC 50.040, before commencing construction of a major stationary source, a major modification, or PAL modification for a nonattainment pollutant in a nonattainment area, an owner or operator must obtain a construction permit from the department.

(b) The application for a permit under this section must include

- (1) for the nonattainment air pollutant
 - (A) a demonstration, including substantiating information, that emissions of the pollutant will be controlled to a rate that represents the lowest achievable emission rate (LAER);
 - (B) a demonstration that reductions in actual emissions from another stationary source or sources within the nonattainment area will equal or exceed the expected maximum emissions increase from the construction and operation of the stationary source or modification;
 - (C) a description of the proposed reductions in actual emissions used to demonstrate (2) of this subsection, including

(i) from each stationary source providing the emission reductions, a complete application for a permit under 18 AAC 50.508(a)(4); and

(ii) a certification that proposed reductions in actual emissions will occur before the onset of emission increases from the stationary source or modification;

(2) a demonstration that other stationary sources owned or operated by the applicant within the state are in compliance with

(A) AS 46.14, this chapter, the Clean Air Act, and applicable federal regulations; or

(B) an order issued under AS 46.03 that controls air emissions from those stationary source; and

(3) a demonstration that the benefits of construction, operation, or modification of the stationary source will significantly outweigh the environmental and social costs incurred, considering factors such as alternative sites, sizes, production processes, and environmental control techniques.

(c) The department will provide notice and opportunity for 30 day public comment period on the department's proposed permit or proposed denial. The department will issue a permit only if the department finds that the applicant has shown that the project will meet the requirements of (b) of this section and 40 C.F.R. 51.165.

(d) In each construction permit issued under this section, the department will include terms and conditions as necessary to ensure that the proposed project will meet the requirements of this section, including terms and conditions consistent with AS 46.14.180 for

(1) installation, use and maintenance of monitoring equipment;

(2) sampling emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;

(3) providing source test reports, monitoring data, emissions data, and information from analysis of any test samples;

(4) keeping records; and

(5) making periodic reports on process operations and emissions. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.170
	AS 46.03.850	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	

18 AAC 50.315 is repealed:

18 AAC 50.315. Construction permits: review and issuance. Repealed. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/11/2002, Register 163; repealed ___/___/____, Register ___)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.316. Preconstruction review for construction or reconstruction of a major source of hazardous air pollutants. (a) **Purpose.** This section satisfies the EPA requirements for preconstruction review under Section 112(i) of the Clean Air Act and 40 C.F.R. 63.5, adopted by reference in 18 AAC 50.040(c).

(b) **Applicability.** The owner or operator of a major source of hazardous air pollutants subject to a standard under 40 C.F.R. part 63, must obtain written approval from the department before

(1) constructing a new major source subject to such standard;

(2) reconstructing a major source subject to such standard; or

(3) reconstructing a major source such that the source becomes an affected source that is major-emitting and subject to the standard.

(c) **Procedures for Preconstruction Approval.** Applications for an approval required under this section must be consistent with 40 C.F.R. 63.5(d). The department will issue or deny a request for approval under this section consistent with 40 C.F.R. 63.5(e) – (f). The term “administrator” as used in 40 C.F.R. 63.5(d) – (f) means “department” for the purposes of this section.

(d) **Notification.** For each notification that the owner or operator is required to send to the administrator under 40 C.F.R. 63.9, the owner or operator shall also send a copy of the notification to the department. (Eff. ___/___/____, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.320 is repealed:

18 AAC 50.320. Construction permits: content and duration. Repealed. (Eff. 1/18/97, Register 141; repealed ___/___/____, Register ___)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.321. Case-by-case maximum achievable control technology determinations. (a) **Purpose.** This section satisfies the EPA requirements for case-by-case maximum achievable control technology (MACT) determinations under Section 112(g) of the

Clean Air Act, which are in 40 C.F.R. 63.40 – 44, adopted by reference in 18 AAC 50.040(c).

(b) **Applicability.** These requirements apply to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after *{effective date of this section}*, if the major source has not been specifically regulated or exempted from regulation under a standard incorporated in 40 C.F.R. Part 63.

(c) **Exclusions from this section.** The requirements of this section do not apply to

(1) an electric utility steam generating unit unless and until such time as that unit is added to the source category list under section 112(c)(5) of the Clean Air Act;

(2) a stationary source that is within a source category that has been deleted from the source category list under section 112(c)(9) of the Clean Air Act; or

(3) research and development activities, as defined in 40 C.F.R. 63.41.

(d) **Definitions.** Terms in this section shall have the meaning given to them in 40 C.F.R. 63.41. Terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given to them in the Clean Air Act or in 40 C.F.R. 63 Subpart A.

(e) **Prohibition.** No person subject to this section may begin actual construction or reconstruction of a major source of HAPs unless the department has made a final and effective case-by-case determination under (f) of this section such that emissions from the constructed or reconstructed major source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(f) **Procedures for MACT Determinations.** To satisfy the requirements of (e) of this section the owner or operator must obtain a Notice of MACT Approval under the procedures of 40 C.F.R. 63.43(d) – (m). (Eff. __/__/__, Register __)

Authority: AS 46.14.010(a) AS 46.14.020

18 AAC 50.322 is repealed:

18 AAC 50.322. Construction permits: reopenings. Repealed. (Eff. 1/18/97, Register 141; repealed __/__/__, Register __)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.326. Title V operating permits. (a) Except as provided in (b) – (h) of this section, an owner or operator of a stationary source subject to 40 C.F.R. 71, as adopted by reference in 18 AAC 50.040 must obtain a permit consistent with those regulations.

(b) For the purposes of 40 C.F.R. 71.5(a)(1)(i) and (ii), a timely application is one that satisfies AS 46.14.150. All references to fees shall be read as referring to the appropriate portion of 18 AAC 50.400 – 18 AAC 50.430 rather than 40 C.F.R. 71.9. To establish confidentiality for information submitted to the department, the owner and operator must satisfy the requirements

of AS 46.14.520.

(c) Permit duration and expiration shall be consistent with AS 46.14.230. Inspection and entry requirements are governed by AS 46.14.515.

(d) In 40 C.F.R. 71, as adopted by reference, the terms “delegated program” and “delegate agency” mean “approved program” and “department” respectively.

(e) The department may distribute public notices through electronic media rather than by mail.

(f) The department will, subject to the provisions of AS 46.14.220, issue the final permit. If EPA objects to a permit after the 45-day review period in AS 46.14.220 and the department has not issued the final permit, the department will not issue the final permit until the objections are resolved if the objections are based on

(1) a petition filed by a person that is submitted within 60 days after the review period ends; and

(2) objections that were raised during the public comment period for the permit, unless the petitioner shows that it was impracticable to raise the objection during the public comment period or that grounds for the objection arose after the public comment period.

(g) A stationary source subject to this section will also be subject to the standard operating permit conditions and other permit conditions as required by 18 AAC 50.345 and 18 AAC 50.346.

(h) The department may include in a Title V permit terms and conditions to establish a Clean Unit or a Plantwide Applicability Limit consistent with 40 C.F.R. 52.21. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.140	AS 46.14.190
	AS 46.14.010	AS 46.14.150	AS 46.14.220
	AS 46.14.020	AS 46.14.170	AS 46.14.230
	AS 46.14.120	AS 46.14.180	AS 46.14.515
	AS 46.14.130		

18 AAC 50.330 is repealed:

18 AAC 50.330. Operating permits: exemptions. Repealed. (Eff. 1/18/97, Register 141; repealed ___/___/___, Register ___)

18 AAC 50.335 is repealed:

18 AAC 50.335. Operating permits: application. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; 6/21/98, Register 146; am 10/16/2003, Register 168; repealed ___/___/___, Register ___)

18 AAC 50.340 is repealed:

18 AAC 50.340. Operating permits: review and issuance. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 7/11/2002, Register 163; repealed ___/___/___, Register ___)

18 AAC 50.341 is repealed:

18 AAC 50.341. Operating permits: reopenings. Repealed. (Eff. 6/14/98, Register 146; repealed ___/___/___, Register ___)

18 AAC 50.345(h)(3) and (j) are amended to read:

18 AAC 50.345. Construction and operating permits: standard permit conditions.

(h) The permittee shall allow the department or an inspector authorized by the department, upon presentation of credentials and at reasonable times with the consent of the owner or operator to

....

(3) inspect any stationary source [FACILITY], equipment, practices, or operations regulated by or referenced in the permit; and

....

(j) The permittee shall certify all reports, compliance certifications, or other documents submitted to the department and required under the permit by including the signature of a responsible official for the permitted stationary source [FACILITY] following the statement: “Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete.” Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. When certifying a compliance certification, the official's signature must be notarized.

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 5/3/2002, Register 162; am ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.140
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020		

18 AAC 50.346(a), (b), and (c) are amended to read and (d) is repealed:

18 AAC 50.346. Construction and operating permits: other permit conditions. (a)

For a construction or operating permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that **emissions unit** [SOURCE] or **stationary source-specific** [FACILITY-SPECIFIC] conditions more adequately meet the requirements of 18 AAC 50 or that no comparable condition is appropriate for the **stationary source** [FACILITY] or **emission unit** [SOURCE]. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees, **January 26, 2004** [APRIL 1, 2002];

(2) Standard Permit Condition II – Air Pollution Prohibited, **January 26, 2004** [APRIL 1, 2002];

(3) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports, **January 26, 2004** [APRIL 1, 2002];

(4) Standard Permit Condition IV – Notification Form, **January 26, 2004** [APRIL 1, 2002].

(b) In an operating permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that **emission unit or stationary source-specific** [SOURCE OR FACILITY-SPECIFIC] conditions more adequately meet the requirements of 18 AAC 50 or that no comparable condition is appropriate for the **stationary source** [FACILITY] or **emission unit** [SOURCE]. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Operating Permit Condition V – Insignificant Sources, **January 26, 2004** [APRIL 1, 2002];

(2) Standard Operating Permit Condition VI – Good Air Pollution Control Practices, **January 26, 2004** [APRIL 1, 2002];

(3) Standard Operating Permit Condition VII – Operating Reports, **January 26, 2004** [APRIL 1, 2002].

(c) Unless the department determines that **emission unit or stationary source-specific** [SOURCE OR FACILITY-SPECIFIC] conditions more adequately meet the requirements of 18 AAC 50, the department will use the standard operating permit conditions listed in Table 7 of this subsection for the respective **emission unit** [SOURCE] or **emission unit** [FACILITY] types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

Table 7	
Source or Facility Type	Standard Permit Condition
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, January 26, 2004 [APRIL 1, 2002]
-Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment	Standard Operating Permit Condition IX – Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources, January 26, 2004 [APRIL 1, 2002]
-Coal fired boilers -Coal handling <u>equipment</u> [FACILITIES] -Construction of gravel pads or roads that are part of a permitted <u>stationary source</u> [FACILITY], or other construction that has the potential to generate fugitive dust that reaches ambient air -Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators -Sewage sludge incinerators not using wet methods to handle the ash -Mines -Urea manufacturing -Soil remediation units -Dirt roads under the control of the operator with frequent vehicle traffic -Other sources the department finds are likely to generate fugitive dust	Standard Operating Permit Condition X – Reasonable Precautions to Prevent Fugitive Dust, January 26, 2004 [APRIL 1, 2002]
-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XI – SO ₂ Emissions from Oil Fired Fuel Burning Equipment, January 26, 2004 [APRIL 1, 2002]
-Fuel burning equipment burning liquid fuel	Standard Operating Permit Condition XII – SO ₂ Material Balance Calculation, April 1, 2002 January 26, 2004

	[APRIL 1, 2002]
–Coal fired boilers	Standard Operating Permit Condition XIII – Coal Fired Boilers, January 26, 2004 [APRIL 1, 2002]

(d) **repealed** __/__/__ [THE DEPARTMENT WILL INCLUDE THE FOLLOWING PERMIT CONDITION IN EACH CONSTRUCTION OR OPERATING PERMIT FOR A HAZARDOUS AIR CONTAMINANT MAJOR FACILITY:

“BEFORE REPLACING COMPONENTS OF EITHER A "MAJOR SOURCE" AS THAT TERM IS DEFINED IN 40 C.F.R. 63.2 OR A SOURCE THAT WOULD BECOME SUCH A "MAJOR SOURCE" AS A RESULT OF REPLACEMENT, WHERE THE COST OF REPLACEMENT EXCEEDS 50 PERCENT OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO CONSTRUCT A COMPARABLE NEW SOURCE, BUT DOES NOT EXCEED 50 PERCENT OF THE FIXED CAPITAL COST THAT WOULD BE REQUIRED TO CONSTRUCT THE ENTIRE FACILITY, THE PERMITTEE SHALL OBTAIN WRITTEN APPROVAL TO DO SO FROM THE DEPARTMENT

(1) UNDER 40 C.F.R. 63.5(b)(3), (d), AND (e), ADOPTED BY REFERENCE IN 18 AAC 50.040(c), IF THE SOURCE IS SUBJECT TO AN EMISSION STANDARD OF 40 C.F.R. 63, ADOPTED BY REFERENCE IN 18 AAC 50.040(a); OR

(2) IN A NOTICE OF MACT APPROVAL UNDER 40 C.F.R. 63.43(f) – (h), IF THE SOURCE IS SUBJECT TO 40 C.F.R. 63.43(a), EACH ADOPTED BY REFERENCE IN 18 AAC 50.040(c).” (Eff. 5/3/2002, Register 162; am __/__/__, Register __)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.180
	AS 46.14.010	AS 46.14.130	AS 46.14.250
	AS 46.14.020	AS 46.14.140	

18 AAC 50.355 is repealed:

18 AAC 50.355. Changes to a permitted facility. Repealed. (Eff. 1/18/97, Register 141; repealed __/__/__, Register __)

18 AAC 50.355 is repealed:

18 AAC 50.360. Facility changes that violate a permit condition. Repealed. (Eff. 1/18/97, Register 141; repealed __/__/__, Register __)

18 AAC 50.365 is repealed to read:

18 AAC 50.365. Facility changes that do not violate a permit condition. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; repealed __/__/__, Register __)

18 AAC 50.370 is repealed to read:

18 AAC 50.370. Administrative revisions. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; repealed ___/___/____, Register ___)

18 AAC 50.375 is repealed:

18 AAC 50.375. Minor and significant permit revisions. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; repealed ___/___/____, Register ___)

18 AAC 50.380 is repealed to read:

18 AAC 50.380. General operating permits. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; repealed ___/___/____, Register ___)

18 AAC 50.385 is repealed to read:

18 AAC 50.385. Permit-by-rule for certain small storage tanks. Repealed. (Eff. 6/21/98, Register 146; repealed ___/___/____, Register ___)

18 AAC 50.390 is repealed to read:

18 AAC 50.390. Permit-by-rule for drilling rigs and associated equipment. Repealed. (Eff. 2/2/2002, Register 161; am 2/6/2002, Register 161; repealed ___/___/____, Register ___)

18 AAC 50.400(b) is amended to read:

18 AAC 50.400. Permit administration fees.

(b) The owner or operator of a **stationary source** [FACILITY] subject to AS 46.14.240 shall submit a retainer in the amount of

(1) \$100 with a request for an open burning approval submitted under 18 AAC 50.065;

(2) \$13,000 with an application for a construction permit submitted under **18 AAC 50.306 or 18 AAC 50.311** [18 AAC 50.310(d) AND (f)];

(3) \$7,000 with an application for a construction permit submitted under **18 AAC 50.316, for a Notice of MACT Approval submitted under 18 AAC 50.321, or for a minor permit for offsetting emission reductions submitted under 18 AAC 50.508(a)(4) and 18 AAC 50.540** [18 AAC 50.310(h) AND (j)];

(4) \$4,000 with an application for a **minor** construction permit **for carbon monoxide emissions near a nonattainment area** submitted under **18 AAC 50.540 and either 18 AAC 50.501(E)(1)(E) or (e)(2)(D)** [18 AAC 50.310(g)];

(5) \$2,000 with an application for a **minor** [CONSTRUCTION] permit submitted under 18 AAC 50.310 and not listed in **(3)** [(2) - (4)] of this subsection;

(6) \$500 with an application for an administrative **permit amendment** [REVISION] submitted under **18 AAC 50.326** [18 AAC 50.370];

(7) \$1,000 with an application for a minor **modification to a Title V** permit [REVISION] submitted under **18 AAC 50.326** [18 AAC 50.375(b)];

(8) \$3,000 with an application for a significant **modification to a Title V** permit [REVISION] submitted under **18 AAC 50.326** [18 AAC 50.375(h)];

(9) \$300 with an application submitted for a general operating permit authorized under AS 46.14.210 and developed under **18 AAC 50.326 or a general operating permit developed under 18 AAC 50.560** [18 AAC 50.380];

(10) \$300 with an application submitted for an owner-requested limit **under 18 AAC 50.508(a)(5)** or a preapproved limit under **18 AAC 50.565** [18 AAC 50.225 - 18 AAC 50.230]; and

(11) \$4,000 with any other **Title V** [OPERATING] permit application submitted and not listed in **(6) – (9)** [(6) - (10)] of this subsection.

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am ___/___/____. Register ___)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.240
AS 46.03.020

18 AAC 50.410 is repealed and readopted to read:

18 AAC 50.410. Emission fees. (a) On or after *{the effective date of the regulations}*, for each period from July 1 through the following June 30, the permittee, owner, or operator shall pay to the department an annual emission fee based on the stationary source's assessable emissions for that year for each stationary source that

(1) is required to submit an operating permit application;

(2) is classified under 18 AAC 50.504; or

(3) operates under a permit by rule established in this chapter; emission fees for stationary sources operating under a permit by rule are established in 18 AAC 50.570 based on the fee rate set in (b) of this section and are not subject to (d) – (f) of this section.

(b) Except as provided in (c) of this section, the rate is \$12.52 per ton for emissions of each air pollutant greater than 10 tons for that year, except that the emission fee for reduced sulfur compounds or ammonia is limited to the first 4,000 tons of emissions in the year.

(c) From October 16, 2003 through June 30, 2004, the permittee, owner, or operator of a stationary source shall pay a prorated amount based on \$5.07 per ton for the period from October 16, 2003 through June 30, 2004.

(d) The quantity of emissions for which fees will be assessed is the lesser of the stationary source's

(1) potential to emit; or

(2) projected annual rate of emissions, as that term is used in AS 46.14.250, if demonstrated by

(A) an enforceable test method described in 18 AAC 50.220;

(B) material balance calculations;

(C) emission factors from EPA's publication AS-42, Vol. I, adopted by reference in 18 AAC 50.035; or

(D) other methods and calculations approved by the department.

(e) For a stationary source that needs an operating permit only because that source contains an emission unit that is subject to a federal emission standard under 42 U.S.C. 7411 or 42 U.S.C. 7412, only emissions from the emission unit subject to that standard are subject to emission fees under this section.

(f) In emissions projections prepared under AS 46.14.250(h)(1)(B) and (d)(2) of this section, the permittee, owner, or operator shall account for emissions from equipment classified under 18 AAC 50.100 that temporarily replaces or substitutes for permanently installed equipment at a stationary source. (Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am __/__/__, Repealed__)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250
AS 46.03.020

18 AAC 51.420(e) – (g) and (i) are amended to read:

18 AAC 50.420. Billing procedures.

(e) In determining the equitable allocation of costs for preparing a general operating permit under AS 46.14.240(c)(4), the department will

(1) determine the total cost of preparing each general operating permit;

(2) identify the total number of stationary sources [FACILITIES] covered by each general operating permit at the time the permit is developed; and

(3) establish the fee by dividing the total cost by the number of **stationary sources** [FACILITIES].

(f) An owner, an operator, or a permittee who

(1) increases a **stationary source's** [FACILITY'S] assessable emissions through a permit revision shall pay to the department an emission fee for the increase in assessable emissions; the fee is due within 60 days after the effective date of the permit revision; or

(2) decreases the **stationary source's** [FACILITY'S] assessable emissions through a permit revision may request a pro-rated refund or credit to the **stationary source's** [FACILITY'S] fee account toward future fees.

(g) The owner, operator, or permittee who terminates operations or whose permit has lapsed or is terminated by the department may request a refund calculated by the department for fees collected in excess of the amount due for the **stationary source's** [FACILITY'S] actual emissions.

....

(i) Unless the person required to pay the fee requests otherwise, an invoice for emission fees or permit administration fees will be sent to the last known address of the **stationary source** [FACILITY] that is subject to the fee. Invoices will include an itemized list of charges and credits for the billing period and a calculation of total credit balance or amount due on the account. For permit administration fees, the listing will also state

(1) the date on which the task was performed and a description of the task;

(2) the initials of the person who performed the task; and

(3) the time spent on the task on that date and the charge for the task, determined by multiplying the time spent by the permit administration fee rate set in 18 AAC 50.400(a). (Eff. 1/18/97, Register 141; am 10/16/2003, Register 168; am __/__/__, Register __)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.240	AS 46.14.255

Article 5. Minor Permits

Section

- 502. Minor permits for air quality protection
- 508. Minor permits requested by the owner or operator
- 540. Minor permit: application
- 542. Minor permit: review and issuance
- 544. Minor permits: content
- 546. Minor permits: renewal and revision
- 548. Minor permits: administrative revisions.
- 547. Permit continuity
- 560. General permits
- 565. Preapproved emission limits
- 570. Permit-by-rule for drilling rigs and associated equipment

18 AAC 50.502. Minor permits for air quality protection. (a) A permit is not required under this section before

(1) construction, modification, or relocation if the project is a new major stationary source or major modification and requires a permit under 18 AAC 50.310 – 18 AAC 50.320;

(2) operation if the stationary source needs a Title V permit; or

(3) relocation if the stationary source is already allowed by permit to operate at the new location.

(b) An owner or operator may satisfy the requirement for a permit under this section through a source specific permit issued through 18 AAC 50.540 – 18 AAC 50.544, a general permit under 18 AAC 50.560, or a permit by rule under 18 AAC 50.570. A permit under this section may be valid at multiple locations.

(c) Except as provided in (a) or (d) of this section, the owner or operator must obtain a permit under this section before constructing, operating, or relocating a stationary source containing

- (1) an asphalt plant;
- (2) a thermal soil remediation unit;
- (3) a rock crusher;
- (4) incinerators with a cumulative rated capacity of 1000 pounds per hour;
- (5) a sewage sludge incinerator serving more than 10,000 people;
- (6) a portable oil and gas operation with a flare;

(7) a petroleum refinery;

(8) a coal preparation plant;

(9) a portland cement plant;

(10) an emission unit with a rated capacity of 10 million Btu per hour or more that commences construction or operation or relocates, in a sulfur dioxide special protection area after January 18 1997; or

(11) a Port of Anchorage stationary source.

(d) The owner or operator of an existing stationary source listed in (c) of this section operating under a permit issued under the former 18 AAC 50.325 – 18 AAC 50.390 before {*effective date of the regulations*} may

(1) continue to operate under that permit, which remains in effect in perpetuity regardless of the stated expiration date in the permit; or

(2) apply for a new permit under this section at any time.

(e) The owner or operator must obtain a permit under this section before commencing

(1) construction of a new stationary source with allowable emissions greater than

(A) 15 tpy PM-10;

(B) 40 tpy NO_x;

(C) 40 tpy SO₂;

(D) 0.6 tpy lead; or

(E) 100 tpy carbon monoxide within 10 km of a nonattainment area; or

(2) modification of an existing stationary source with allowable emissions greater than the amounts listed in (1) of this subsection that will cause an increase in allowable emissions greater than

(A) 10 tpy PM-10;

(B) 10 tpy SO₂;

(C) 10 tpy NO_x; or

(D) 100 tpy carbon monoxide for a stationary source within 10 kilometers of a nonattainment area.

(f) A permit under (c) of this section remains in effect for 5 years. Source specific conditions established under 18 AAC 50.544 for a stationary source remain in effect as long as the stationary source operates in the state. A permit under (e) of this section remains in effect as long as the stationary source operates in the state. (Eff. __/__/__, Register __)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.508. Minor permits requested by the owner or operator. (a) **Permits that May Be Requested.** An owner or operator may request a minor permit from the department for

(1) designating an emission unit at a major stationary source as a Clean Unit consistent with 40 C.F.R. 52.21(y); the provisions of 40 C.F.R. 52.21 apply to a Clean Unit designated by a permit issued under this chapter;

(2) designating a project at a major stationary source as a pollution control project (PCP), except for a project that may be designated as a PCP without a permit under 18 AAC 50.509; the provisions of 40 C.F.R. 52.21 apply to a Pollution Control Project designated under this chapter;

(3) establishing a plantwide applicability limit (PAL) for a major stationary source; the provisions of 40 C.F.R. 52.21(aa) apply to a PAL established under this chapter;

(4) establishing actual emission reductions from an existing stationary source if requested by that source's owner or operator to offset an increase in allowable nonattainment air pollutant emissions at a

(A) new major stationary source;

(B) major modification; or

(C) PAL major modification;

(5) establishing an owner requested limit (ORL) for a stationary source in a minor permit; the owner or operator may avoid a permit classification under AS 46.14.130 if the department approves an owner requested limit on the source's ability to emit air pollutants; a limitation approved under an ORL is an enforceable limitation for the purpose of determining

(A) stationary source-specific allowable emissions; and

(B) a stationary source's potential to emit;

(6) revising or rescinding the terms and conditions of a Title I permit issued under this chapter.

(b) **Duration.** A minor permit under this section remains in effect until changed by

another Title I permit, except

(1) as provided in 40 C.F.R. 52.21 for a Clean Unit, Pollution Control Project, or Plantwide Applicability Limit; and

(2) that an owner requested limit that avoids only a Title V permit remains in effect until the owner or operator requests in writing to revise or revoke the limit and obtains a Title V permit. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.509. Designating a pollution control project without a permit. A pollution control project (PCP) listed in 40 C.F.R. 52.21(b)(32)(i) through (vi) may be designated without a permit. The owner or operator may begin actual construction of the project immediately after sending a notice to the department, unless a permit or Notice of MACT Approval is otherwise required for the project under 18 AAC 50.301 – 18 AAC 50.321 or 18 AAC 50.502. The notice must contain the information listed in 40 CFR 52.21(z)(3) and be consistent with (z)(5) of that section. To maintain eligibility for the PCP exclusion, the owner or operator shall respond to any requests by the department for additional information that the department determines is necessary to evaluate the suitability of the project for the PCP exclusion. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.140
	AS 46.14.010	AS 46.14.130	AS 46.14.170
	AS 46.14.020		

18 AAC 50.540. Minor permit: application. (a) **Application Information.** An applicant for a source-specific minor permit must provide all of the information required by this section, including all information called for on the listed forms, which are adopted by reference in 18 AAC 50.030. The department may require that applications be submitted in electronic format.

(b) **General Information.** Each application must include the following forms:

- (1) a *stationary source identification form*;
- (2) a *minor permit emission summary form*.

(c) **Minor Permit for Air Quality Protection.** Except for a Port of Anchorage stationary source, a permit application under 18 AAC 50.502 must include for

- (1) an operating a stationary source, an *emission unit information form*;
- (2) a constructing, modifying, or relocating a stationary source. an *emission unit and ambient analysis information form*.

(d) **Carbon Monoxide Source or Modification.** For construction that would increase carbon monoxide emissions by 100 tpy or more within 10 kilometers of a nonattainment area, an application must include a demonstration that the expected maximum carbon monoxide emissions from construction and operation of the stationary source will not cause an ambient concentration that exceeds the concentrations in Table 5 in 18 AAC 50.215 at any location that does not or would not meet an ambient air quality standard for carbon monoxide.

(e) **Port of Anchorage.** For a project that causes a stationary source to become a Port of Anchorage stationary source described in 18 AAC 50.502, the application must include the information required in the department's *Air Quality Compliance Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks*, adopted by reference in 18 AAC 50.030.

(f) **Clean Units.** An application for a permit to establish a Clean Unit designation consistent with 40 C.F.R. 52.21(y) must include a demonstration that the unit meets the criteria for a Clean Unit in 40 C.F.R. 52.21(y)(3) and (4).

(g) **Pollution Control Project (PCP).** An application for a permit to give approval to use the PCP exclusion must include the information listed in 40 C.F.R. 52.21(z)(3)(i) – (v).

(h) **Plantwide Applicability Limit (PAL).** An application for a permit to establish a PAL consistent with 40 C.F.R. 52.21(aa) must include the information listed in 40 C.F.R. 52.21(aa)(3).

(i) **Offset Emissions.** An application for a permit to establish offsetting emissions must specify the physical or operational limitations necessary to provide actual emission reductions of the nonattainment air pollutant; including

- (1) a calculation of the expected reduction in actual emissions; and
- (2) the emission limitation representing that quantity of emission reduction.

(j) **Owner Requested Limits (ORLs).** An application for an owner requested limit must include an *owner requested limit form*.

(m) **Revising or Rescinding Permit Conditions.** An application for a permit to revise or rescind permit terms or conditions of a Title I must include

- (1) a copy of the Title I permit that established the permit term or condition;
- (2) an explanation of why the permit term or condition should be revised or rescinded;
- (3) the effect of revising or revoking the permit term or condition on emissions, other permit terms, and compliance monitoring; and
- (4) for a condition that allows an owner or operator to avoid a permit classification, the information required of an applicant for that type of permit, unless the revised condition would also allow the owner or operator to avoid the classification. (Eff. ___/___/___,

Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.542. Minor permit: review and issuance. (a) Fast Track Minor Permits.

The department will use the fast track procedures of this (b) of this section to issue a minor permit classified under 18 AAC 50.502, except for a new stationary source or modification

- (1) classified under 18 AAC 50.502(e) for carbon monoxide emissions;
- (2) in a sulfur dioxide special protection area;
- (3) in the Nikiski Industrial Area;
- (4) on an offshore platform;
- (5) for which a person requests a public comment period under the notice of (b)(1) of this section; and
- (6) for which the department requests an ambient air quality demonstration from the applicant under 18 AAC 50.540(c)(2), or the department determines that further analysis is needed under (b)(2)(B)(ii) of this section.

(b) Fast Track Procedures. To use the fast track procedures for minor permits

(1) upon receiving a complete application the department will give notice using the Alaska Online Public Notice System established under AS 44.62.175 and mail or electronic mail to persons on a list maintained by the department, including any person who requests to be notified, and other means the department finds necessary for informing the public; the notice will

- (A) include the information provided by the applicant, and
- (B) give any member of the public 15 days to request a 30 day public comment period consistent with (c) of this section; if a comment period is requested, the department will issue a public notice under (c) of this section;

- (2) for a stationary source that is new, modified, or relocated, the department will
 - (A) find that the stationary source or modification does not need an ambient analysis to determine that construction and operation will not result in a violation of an ambient air quality standard; or
 - (B) perform an ambient air quality analysis using screening or other readily available meteorological data, and

- (i) if the predicted ambient air concentration from the stationary

source, excluding offsite or background contributions, does not exceed 2/3 of each ambient standard for PM-10, or 80 percent of each ambient standard for SO₂ or nitrogen oxides, then no further evaluation is necessary; or

(ii) if a predicted concentration is greater than an amount in (2)(B)(i)) of this subsection, then further evaluation is necessary, and the department will use the procedures of (c) of this section; and

(3) if the department does not receive a request under (1)(B) of this subsection for a public comment period, and if the department finds under the (2) of this subsection that construction and operation will not result in violation of an ambient air quality standard, the department will, consistent with (d) of this section, issue the permit within 30 days after receiving the application.

(c) **Procedures That Include a Public Comment Period.** The department will use the procedures of this subsection to issue a permit under 18 AAC 50.508 or a permit under 18 AAC 50.502 for which a fast track permit cannot be used under (a)(1) of this section. To use this section:

(1) no later than 30 days after an application is determined or considered to be complete under AS 46.14.160 or additional information is submitted consistent with AS 46.14.160(c), the department will make a preliminary decision to approve or deny the application; the department will provide notice and opportunity for public comment on the department's preliminary decision as follows:

(A) the public will have at least 30 days to submit comments;

(B) the department will give notice using the Alaska Online Public Notice System established under AS 44.62.175 and mail or electronic mail to persons on a list maintained by the department, including any person who requests to be notified, and other means the department finds necessary for informing the public;

(C) the department will make available for public inspection in at least one location in the affected area

(i) the information submitted by the owner or operator;

(ii) any department analysis on the effect on air quality;

(iii) the reasons for the department's proposed approval or disapproval; and

(iv) if the department proposes to approve the application, a copy of the proposed permit;

(D) the department will make a preliminary decision to approve the application only if the application includes all information required by 18 AAC 50.540, and the department finds that the approval criteria of (d) of this section will be met; the

department will include in a preliminary permit, any conditions necessary to assure compliance with this chapter;

(2) the department will notify the applicant, and any person who commented on the department's preliminary decision, of the department's final decision to approve or deny the permit; a person described in AS 46.14.200 may request an informal or an adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; a notification of denial of an application will include the reasons for denial.

(d) **Approval Criteria.** The department will

(1) deny a permit application for a stationary source or modification classified under 18 AAC 50.502 if the department finds that construction and operation will result in a violation of

(A) a requirement of 18 AAC 50.045 – 18 AAC 50.090; or

(B) an ambient air quality standard;

(2) deny a permit application for carbon monoxide emissions near a nonattainment area if the department finds that construction and operation of the stationary source will cause an ambient concentration that exceeds a carbon monoxide concentration in Table 5 in 18 AAC 50.215 at a location that does not or would not meet an ambient air quality standard for carbon monoxide;

(3) deny a permit for a Port of Anchorage stationary source if the department finds that construction and operation of that source will result in a violation of a requirement of 18 AAC 50.045 – 18 AAC 50.090;

(4) approve a permit for designating a Clean Unit, if the department finds that the emission unit satisfies the criteria in 40 C.F.R. 52.21(y) for a Clean Unit;

(5) approve a permit for granting approval to use the PCP exclusion, if the department finds that the project satisfies the criteria in 40 C.F.R. 52.21(z) for a PCP;

(6) approve a permit for establishing or revising a PAL, if the department finds that the emission unit satisfies the criteria in 40 C.F.R. 52.21(aa) for a PAL;

(7) approve a permit for a limit requested under 18 AAC 50.508(e) to establish offsetting emissions, if the department finds that permanent, actual emission reductions of the nonattainment air pollutant will result from the limitations proposed in the application;

(8) approve a permit for an owner requested limit classified under 18 AAC 50.508(f), if the department finds that

(A) the limit will result in avoiding a classification under AS 46.14.020;

(B) the stationary source is capable of complying with the limit, and

(C) the permit conditions are adequate for determining continuous compliance with the limit;

(9) approve a request under 18 AAC 50.508(g) to revise or rescind a permit term or condition, if the department finds that the permit will still require the owner or operator to comply with all applicable requirements of this chapter. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200

18 AAC 50.544. Minor permits: content. (a) In each permit issued under 18 AAC 50.542, the department will

(1) identify the stationary source, the project, the permittee responsible for ensuring compliance, and contact information;

(2) include the due dates for the payment of emission fees over the life of the permit and methods the permittee may use to recompute the assessable emissions under 18 AAC 50.410; and

(3) include any conditions established under 18 AAC 50.201.

(b) In each permit under 18 AAC 50.502, the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will meet the requirements of AS 46.14 and this chapter, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) a permit condition requiring the owner or operator to

(A) perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;

(B) keep records of any maintenance that would have a significant effect

on emissions; the records may be kept in an electronic format; and

(C) keep a copy of either the manufacturer's or the operator's maintenance procedures.

(c) Each permit for a source that is classified under 18 AAC 50.502(e), and that does not need a Title V permit, will include a condition that the owner or operator certify every five years whether the stationary source has been changed, and whether the equipment has been maintained consistent with (b)(2) of this section.

(d) A permit that establishes a Pollution Control Project designation consistent with 40 C.F.R. 52.21(z) must contain the requirements listed in 40 C.F.R. 52.21(z)(6).

(e) A permit that establishes a Plantwide Applicability Limit must contain the provisions listed in 40 C.F.R. 52.21(aa)(7).

(f) In each permit under 18 AAC 50.508(a)(4) to establish offsetting emissions, the department will include terms and conditions to ensure that the stationary source will meet the criteria in 18 AAC 50.542(d)(7), including terms and conditions imposed under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions.

(g) The permit for an ORL classified in 18 AAC 50.508(a)(5) will consist of a letter of approval that

(1) describes the terms and conditions of the approval, including the limits, specific testing, monitoring, recordkeeping, and reporting requirements;

(2) lists all equipment covered by the approval;

(3) describes the permit that the limit allows the owner or operator to avoid; and

(4) contains the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's notarized signature; the ORL becomes effective upon notarized signature.

(h) In each permit under 18 AAC 50.508(a)(6) that revises or rescinds terms or

conditions of a Title I permit, the department will include terms and conditions as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this chapter. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator

(A) obtains a new construction permit under this chapter as if the limit had never existed; or

(B) obtains a new limit under this section or under 18 AAC 50.508 that allows the owner or operator to continue to avoid preconstruction review; or

(2) did not make it possible to avoid preconstruction review, but did make it possible to avoid a Title V permit or minor permit to operate the limit remains in effect until the owner or operator

(A) obtains a new Title V permit under this chapter as if the limit had never existed; or

(B) obtains a new limit under this section or under a permit classified in 18 AAC 50.508 that allows the owner or operator to continue to avoid the need for the permit. (Eff. ___/___/___, Register ___)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

18 AAC 50.546. Minor permits: renewal and revision. (a) The department will use the procedures of 18 AAC 50.540 – 18 AAC 50.544 to

(1) revise a minor permit, either at the request of the permittee, or consistent with 18 AAC 50.280; or

(2) for a minor permit that expires, renew the permit

(b) A permit that is renewed will be the same as the original permit except as necessary to address

(1) changes in law;

(2) changes at the stationary source;

(3) requests by the applicant under 18 AAC 50.508; or

(4) any other changes necessary to ensure compliance with AS 46.14 and this chapter.

(c) If a minor permit other than a general permit or a PAL permit expires and needs to be renewed,

(1) the owner or operator shall submit a complete application for renewal no earlier than 12 months and no later than 90 days before the permit expires; and

(2) if the department does not issue a renewal permit on or before the expiration date of the expiring permit, then an owner or operator who has submitted a complete application may continue to operate under the conditions of the expired permit until the department issues or denies the new permit.

(d) Notwithstanding (a) - (c) of this section, for a PAL permit,

(1) approval of a request for a renewal shall

(A) follow the procedures in 18 AAC 50.540 – 18 AAC 50.544, 18 AAC 50.306, or 18 AAC 50.311; and

(B) be consistent with 40 C.F.R. 52.21(aa)(10);

(2) increasing a PAL shall be consistent with 40 C.F.R. 52.21(aa)(11); and

(3) for typographical or calculation error corrections listed in 40 C.F.R. 52.21(aa)(8)(ii)(a)(1) that do not increase the PAL level, the department will notify the owner or operator in writing; the changes become effective immediately. (Eff. __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.285

18 AAC 50.547. Permit continuity. (a) Source specific conditions of a Title I permit remain in effect unless changed by a subsequent Title I permit.

(b) An owner requested limit classified under the former 18 AAC 50.225 before *{effective date of regulations}* remains in effect until

(1) that limit is changed by another Title I permit; or

(2) for a limit that allowed the owner or operator to avoid only an operating permit or minor permit to operate, the owner or operator has submitted a complete application for that permit. (Eff. __/__/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.140
	AS 46.14.010	AS 46.14.130	

18 AAC 50.548. Minor permits: administrative revisions. Notwithstanding the provisions of 18 AAC 50.546, the department may, on its own volition or on request, revise non-

substantive elements of a minor permit without further administrative procedures. (Eff. ___/___/___, Register ___)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.285
AS 46.14.010 AS 46.14.170

18 AAC 50.560. General permits. (a) **Criteria.** The department may issue a general permit to allow construction or operation of a stationary source that

- (1) requires a minor permit;
- (2) involves the same or a very similar types of operation;
- (3) involves the same type of emissions; and
- (4) is subject to similar air quality control requirements.

(b) **General Permit Issuance Procedures.** To issue a general permit, the department will provide notice and opportunity for public comment on the department's proposed permit by:

(1) providing a notice in the area where stationary sources that meets the criteria of the general permit will be located by prominent advertisement including the Alaska Online Public Notice System established under AS 44.62.175;

(2) sending a copy of the notice to persons on a list maintained by the department, including any person who has requested to be notified; the notice may be sent electronically;

(3) distributing the notice using other means the department considers appropriate;

(4) allowing the public at least 30 days to submit comments;

(5) making available for public inspection in the affected area

(A) a description of the stationary sources that would qualify under the permit;

(B) the results of any department analysis on the effect on air quality;

(C) the reasons for the department's proposed action;

(D) a copy of the proposed permit and application;

(E) a description of how interested persons may comment on the proposed permit, including the period during which the department will accept public comments; and

(F) the time and place of any public hearing which will not be scheduled sooner than 30 days after the date the first notice was published.

(c) **Application or Notification Forms.** The department will issue an application or notification form with each general permit. This may include a on-line or electronic form. The forms will identify the information that an applicant must provide to operate under the general permit, including

- (1) information identifying the stationary source and contact information;
- (2) any information that is necessary to determine that the stationary source qualifies for the permit;
- (3) identification of all equipment to be operated under the general permit; and
- (4) a certification by the applicant that the stationary source is capable of complying with all permit requirements.

(d) **Applying to Construct or Operate under General Permit.** To construct or operate under a general permit, the owner or operator shall submit a completed application or notification form for the specific stationary source type. The general permit will specify whether the applicant must submit a complete notification form and operate in compliance with the permit, or whether the applicant must also obtain department approval to operate under the general permit. If the general permit requires that the applicant get approval, the department will notify the owner or operator within 30 days after receipt of the application that

- (1) the application is complete;
- (2) additional information is necessary to make the application complete; or
- (3) the stationary source does not qualify for the general permit.

(e) **Approval to Construct or Operate under the General Permit.** Approval to construct or operate under the general permit is granted when the department finds the application complete. If the general permit does not require department approval, and if the stationary source meets all of the qualifying criteria, and operates in compliance with the general permit, the owner or operator may construct or operate under the permit immediately after the department receives a completed notification form. The permit authorizes construction or operation only for

- (1) equipment identified in the application or notification, and
- (2) a location identified under (c), (f), or (g) of this section.

(f) **General Permit Content.** A general permit will contain

- (1) criteria that must be met in order for a stationary source to qualify under the

general permit;

(2) the requirement to notify the department of the physical location of the stationary source before commencing construction or operation under the general permit if not provided in the application;

(3) requirements consistent with 18 AAC 50.544;

(4) a provision stating the duration of the permit, and requirements for renewal if necessary;

(5) for portable stationary sources, a notification form and procedures for a change in location; and

(6) any other terms and conditions that are necessary to assure that the stationary source continues to meet the qualifying criteria of the general permit.

(g) **Relocation.** A portable stationary source is authorized to operate under a general permit at additional locations not identified in the permit application if

(1) the permittee notifies the department by submitting a completed change of location form following the procedures specified in the permit; and

(2) the stationary source will continue to meet all of the permit's applicability criteria at each location.

(h) **Renewal.** If a general permit expires and needs to be renewed, the department will, by the expiration date,

(1) renew the general permit consistent with (b) of this section and 18 AAC 50.546;

(2) in writing, temporarily extend the previous permit until the new permit is issued; or

(3) give notice to each permittee operating under the expiring general permit that the department will not renew it, and inform the permittees of the other ways they can fulfill their obligation for a permit.

(i) **Reauthorization To Operate Under A General Permit.** For a general permit that expires

(1) the owner or operator must submit to the department a complete application or notification form for authorization under the renewal permit no earlier than 12 months and no later than 30 days before the expiration date; the owner or operator shall use the most recent available application or notification form for the permit;

(2) if the department does not issue a renewal permit on or before the expiration

date of the expiring permit, an owner or operator who has submitted a complete application or notification may continue to operate under the conditions of the expired permit until the department issues the new permit or notifies the owner or operator that the permit will not be renewed; and

(3) if the department decides not to renew the permit, the owner or operator shall submit an application or notification for a different applicable general permit, a permit by rule, or a source specific permit within 180 days after receiving the notice; an owner or operator that submits a complete application within this time may continue to operate under the terms and conditions of the expired permit until authorized to operate under another permit, or until the department denies the application. (Eff. ____/____/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	AS 46.14.211
	AS 46.14.020	AS 46.14.150	AS 46.14.250
	AS 46.14.120	AS 46.14.170	

18 AAC 50.565. Preapproved emission limits. (a) This section sets out limits for certain stationary sources that become effective the day after the department receives a request containing all the required information. Under these preapproved emission limits or PAELs, no additional department approval is required. The owner and operator shall comply with the limit while that limit is in effect. The limit remains in effect until terminated in accordance with (e) of this section.

(b) The owner or operator of a stationary source containing one or more emission units described in (c) or (d) of this section may request that the preapproved limits in those subsections be applied to that stationary source. To make the request, the owner or operator shall submit to the department the information required for the limit requested.

(c) Limits on the allowable emissions of, or potential to emit, nitrogen oxides from diesel engines may be established by restricting the amount of fuel that may be burned in an engine. To implement these limits, the owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the preapproved limits will apply;

(B) a list of all diesel engines at the stationary source to which the preapproved limits will apply, including the model and rated capacity of each diesel engine;

(C) the maximum quantity of fuel, in gallons, that the owner or operator will be limited to use in the equipment listed in (B) of this paragraph in any consecutive 12 months;

(D) a calculation of the nitrogen oxides, in tons per year, that the equipment listed in (B) of this paragraph would have the potential to emit if subjected to

the limits on fuel use proposed under (C) of this paragraph, determined by dividing the number provided under (C) of this paragraph by 3,309;

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all emission units at the stationary source that are not listed under (B) of this paragraph;

(F) a calculation of the stationary source's total potential to emit nitrogen oxides, determined by adding the values derived under (D) and (E) of this paragraph;

(G) a list setting out each condition required under (2) of this subsection;

(H) a certification bearing the owner's or operator's notarized signature stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this subsection and agrees to those conditions in order to limit nitrogen oxide emissions from the equipment listed under (B) of this paragraph to no more than the value calculated under (D) of this paragraph; and

(I) a processing fee of \$100; and

(2) agree to

(A) limit the quantity of fuel burned in the equipment listed under (1)(B) of this subsection during any consecutive 12 months to no more than the amount proposed under (1)(C) of this subsection;

(B) record the amount of fuel consumed in the equipment listed under (1)(B) of this subsection each month and calculate the total fuel consumed in the equipment during the preceding 12 months;

(C) keep all receipts for fuel purchases and all records and calculations under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records and calculations required by (B) of this paragraph for the preceding year.

(d) The owner or operator of a gasoline distribution facility may limit the maximum daily throughput of gasoline for the entire stationary source to less than 19,900 gallons. The stationary source would thereby, become a bulk gasoline plant under the standards adopted in 18 AAC 50.040(a)(2)(M) and (AA). The owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source to which the limit will apply;

(B) a list of each tank containing gasoline at the stationary source, including the working capacity of each tank;

(C) a list of the conditions required under (2) of this subsection; and

(D) a certification bearing the notarized signature of the owner or operator stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and complete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this section and agrees to those conditions in order to be classified as a bulk gasoline plant; and

(2) agree to

(A) limit the quantity of gasoline transferred from tanks at the stationary source each day to less than 19,900 gallons;

(B) record the amount of gasoline transferred from tanks at the stationary source each day;

(C) keep all receipts for fuel sales and all records maintained under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year.

(e) The owner or operator may terminate a limit under this section by notifying the department, in writing, of the proposed date for termination of the limit. On and after the proposed date, the limit is no longer in effect unless the limit made it possible for the owner or operator to avoid any preconstruction review procedures or to avoid the requirement for an operating permit. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator

(A) obtains a new construction permit under this chapter as if the limit had never existed; or

(B) obtains a new limit under this section or under 18 AAC 50.508 that

allows the owner or operator to continue to avoid preconstruction review; or

(2) did not make it possible to avoid preconstruction review, but did make it possible to avoid a Title V permit or minor permit to operate, the limit remains in effect until the owner or operator

(A) obtains a new Title V permit under this chapter as if the limit had never existed; or

(B) obtains a new limit under this section or under a permit classified in 18 AAC 50.508 that allows the owner or operator to continue to avoid the need for the permit. (Eff. ____/____/____, Register ____)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.570. Permit-by-rule for drilling rigs and associated equipment. (a) The owner or operator of a stationary source that qualifies under this section and that is required to have a permit under 18 AAC 50.502(c)(6) must operate under either the applicable provisions of 18 AAC 50.540 – 18 AAC 50.546, or under this section. This section applies to a portable oil and gas operation that

(1) contains fuel-burning equipment;

(2) is not located within 10 kilometers of a Class I area or in a non-attainment area;

(3) does not operate on the same pad or within a quarter mile of

(A) another pad on which another drill rig or well test flare is simultaneously operating;

(B) an emission unit that emits or has the potential to emit 100 tons or more per year of a regulated air pollutant; or

(C) a group of emission units that emits or has the potential to emit 100 tons or more per year of a regulated air pollutant, and that is located on either a single pad or a group of pads that are within a quarter mile of each other;

(4) does not operate within a stationary source that is classified as a major stationary source under 18 AAC 50.310 or 18 AAC 50.320;

(5) does not operate on a pad or platform surrounded by open water;

(6) operates

(A) north of 69 degrees, 30 minutes North latitude, and operates for no more than 180 rig days in any 12 consecutive months at a single pad;

(B) outside the area described in (A) of this paragraph, and operates for no more than 270 rig days in any 12 consecutive months at a single pad; or

(C) anywhere in the state, and burns no more than 1,500,000 gallons of fuel oil in any 12 consecutive months at a single pad;

(7) maintains daily logs that are readily accessible, and that are adequate to demonstrate compliance with this section; a daily entry to a log required under this paragraph must be maintained for at least 60 months after the date of entry; and

(8) does not operate within the boundary of an area identified in the *Summary Prepared by the Department of Environmental Conservation of Coastal Area Boundaries Approved by the Coastal Policy Council (CPC) for Coastal Resource Districts Excluded from the Portable Oil and Gas Operation Permit by Rule (18 AAC 50.390)*, adopted by reference in 18 AAC 50.035(a).

(b) The owner or operator of a portable oil and gas operation described in (a) of this section shall ensure that each emission unit complies with the following:

(1) exhaust stacks must discharge emissions vertically for the following:

(A) each internal combustion engine used to power or heat a drill rig or camp associated with a portable oil and gas operation;

(B) on lands draining into Cook Inlet, fuel-burning equipment with a rated capacity exceeding five million Btu per hour, high heating value;

(C) on lands not draining into Cook Inlet,

(i) from April 16 through October 15, fuel-burning equipment with a rated capacity exceeding five million Btu per hour, high heating value; and

(ii) from October 16 through April 15, fuel-burning equipment with a rated capacity exceeding 1.7 million Btu per hour, high heating value;

(2) fuel oil burned by a portable oil and gas operation may not contain more than the following amounts of sulfur, unless the fuel oil is brought onto the site in a fuel tank with a capacity of 150 gallons or less, or unless the fuel oil consists of the remainder of fuel oil in each tank from a previous site in an amount not to exceed the half of that tank's capacity or 2,500 gallons, whichever amount is smaller:

(A) at a site north of 69 degrees, 30 minutes North latitude,

(i) 5,000 ppm sulfur by weight, if the owner or operator excludes

the general public from within 230 meters of the pad edge;

(ii) 2,500 ppm sulfur by weight, if the owner or operator excludes the general public from within 20 meters of the pad edge; or

(iii) 1,900 ppm sulfur by weight;

(B) at a site on the western drainage of the Kenai Peninsula, 5,000 ppm sulfur by weight;

(C) at a site outside areas described in (A) and (B) of this paragraph,

(i) 5,000 ppm sulfur by weight, if the owner or operator excludes the general public from within 100 meters of the pad edge;

(ii) 2,500 ppm sulfur by weight, if the owner or operator excludes the general public from within 30 meters of the pad edge; or

(iii) 1,500 ppm sulfur by weight.

(c) The department will consider the owner or operator of a portable oil and gas operation to have excluded the general public from an area identified in (b)(2)(A)(i) - (ii) or (C)(i) - (ii) of this section if the owner or operator

(1) has the legal authority to keep the general public from entering the area;

(2) develops and complies with a surveillance plan that is adequate to assure that the general public is excluded from the area inside the boundary; upon receipt of a written request from the department, the owner or operator shall revise the plan as the department considers necessary to assure exclusion of the general public; the plan must

(A) identify site-specific physical barriers to entry; for purposes of this subparagraph, a physical barrier must be a natural site feature, constructed barrier, or combination of the two that is sufficient to exclude the general public; or

(B) provide for each of the following, if physical barriers identified in (A) of this paragraph are not sufficient to exclude the general public:

(i) the posting of signs; the plan must include requirements for wording, placement, and visibility of those signs;

(ii) surveillance; the plan must include requirements for the frequency of surveillance and the methods to be used;

(iii) the use of security personnel;

(iv) a protocol to use if members of the general public approach or enter the area; and

(3) keeps a daily surveillance log sufficient to show compliance status with the surveillance plan; the owner or operator shall retain each daily entry to the log for at least 60 months after the date of the entry, and shall make the log available to the department upon request.

(d) For purposes of establishing fees under AS 46.14.250, the department will consider an owner or operator who complies with the requirements of this section to

(1) have been issued a permit under AS 46.14.170; and

(2) be the permittee.

(e) The owner or operator shall notify the department before operating under this section at any location. For purposes of this subsection, "location" means a pad or pads within a quarter mile of each other. The notification must include

(1) the name and address of the owner or operator;

(2) the name and telephone number of the stationary source contact;

(3) the exact location of the drilling or testing operation, including a map with roads, buildings, water bodies, topography, and adjacent activities;

(4) the expected dates of operation;

(5) payment of emission fees for each state fiscal year as follows:

(A) for operation north of 69 degrees, 30 minutes North latitude,

(i) \$943 for operation at a single ice pad or for operation of a single portable oil and gas operation at multiple ice pads during a winter drilling season; or

(ii) \$2,829 for operation of a single portable oil and gas operation during a state fiscal year at a single location that is not a seasonal ice pad;

(B) for operation outside the area described in (A) of this paragraph, \$738 for operation at a single location;

(6) a statement of whether the owner or operator intends to use fuel with a sulfur content that requires the owner or operator to exclude the general public under (b)(2) of this section; and

(7) if the owner or operator intends to use fuel with a sulfur content that requires the owner or operator to exclude the general public under (b)(2) of this section,

(A) documentation that demonstrates that the owner or operator has the

legal authority to exclude the public; and

(B) a copy of the surveillance plan required under (c)(2) of this section, or if the department already has a copy, identification of that plan.

(f) If a portable oil and gas operation qualifies under (a) of this section within a stationary source classified under 18 AAC 50.340 as needing a Title V permit, the requirements of this section are applicable requirements that must be included in the stationary source's operating permit.

(g) If the owner or operator of a portable oil and gas operation received a complaint about emissions from the stationary source, the owner or operator shall

(1) investigate the complaint;

(2) make an entry of the complaint in a log maintained for the purpose of documenting action on complaints; the entry must describe the results of the investigation required by (1) of this subsection;

(3) notify the department within 24 hours after the complaint is received;

(4) take any corrective action that the department considers necessary to alleviate the complaint; and

(5) retain a log entry required under (2) of this subsection for at least 60 months after the date of entry, and make the log available to the department upon request. (Eff.

____/____/____, Register ____

Authority:	AS 44.46.025	AS 46.14.030	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.250
	AS 46.14.020	AS 46.14.140	

ARTICLE 6. (Reserved)

ARTICLE 8. (Reserved)

18 AAC 50.910 is repealed:

18 AAC 50.910. Establishing level of actual emissions. Repealed. (Eff. 1/18/97, Register 141; repealed ___/___/____, Register ___)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

18 AAC 50.990 is amended to read:

18 AAC 50.990. DEFINITIONS. In this chapter

- (1) "actual emissions" has the meaning given in **40 C.F.R. 52.21(b)** [18 AAC 50.910];
- (2) "air **pollutant** [CONTAMINANT]" has the meaning given in AS 46.14.990;
- (3) "air curtain incinerator" means a device in which large amounts of combustible materials are burned in a rectangular containment equipped with an overfire air system;
- (4) "air pollution" has the meaning given in AS 46.03.900;
- (5) "air pollution control equipment" means equipment or a portion of equipment designed to reduce the emissions of an air **pollutant** [CONTAMINANT] to the ambient air;
- (6) "air quality control requirement" means any obligation created by AS 46.14, this chapter, or a term or condition of a preconstruction permit issued by the department before January 18, 1997;
- (7) "allowable emissions" **has the meaning given in 40 C.F.R. 52.210(b), except that the purposes of establishing a plantwide applicability limit as classified in 18 AAC 50.508**
 - (A) the allowable emissions for any emissions unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emissions unit's potential to emit; and**
 - (B) an emissions unit's potential to emit shall be determined using the definition in 18 AAC 50.990, except that the words "or enforceable as a practical matter" should be added after "federally enforceable"** [MEANS THE CALCULATED EMISSION RATE OF A SOURCE OR FACILITY USING THE MAXIMUM RATED CAPACITY AND FEDERALLY-ENFORCEABLE LIMITATIONS AND CONDITIONS ON EMISSIONS OR OPERATIONS];
- (8) "ambient air" has the meaning given in **40 C.F.R. 50.1** [AS 46.14.990];
- (9) "ambient air quality standards" means the standards set by 18 AAC 50.010;

(10) "approved" means approved by the department, **except as otherwise stated in this chapter**;

(11) "asphalt plant" means a **stationary source** [FACILITY] that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; the term includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the **stationary source** [FACILITY];

(12) "assessable emission" has the meaning given in AS 46.14.250(h)(1);

(13) "best available control technology" **has the meaning give in 40 C.F.R. 52.21(b)** [MEANS THE EMISSION LIMITATION THAT REPRESENTS THE MAXIMUM REDUCTION ACHIEVABLE FOR EACH REGULATED AIR CONTAMINANT, TAKING INTO ACCOUNT ENERGY, ENVIRONMENTAL AND ECONOMIC IMPACTS, AND OTHER COSTS; THE RESULTING EMISSIONS MUST COMPLY WITH APPLICABLE STATE AND FEDERAL EMISSION STANDARDS; BEST AVAILABLE CONTROL TECHNOLOGY INCLUDES, FOR EXAMPLE, DESIGN FEATURES, EQUIPMENT SPECIFICATIONS, AND WORK PRACTICES];

(14) "black smoke" means smoke having the color of emissions produced by the incomplete combustion of toluene in the double wall combustion chamber of a smoke generator;

(15) "Btu" means British thermal unit;

(16) "Class I area, "Class II area," and "Class III area" mean an area designated in 18 AAC 50.015, Table 1, as Class I, Class II, or Class III respectively;

(17) "Clean Air Act" means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

(18) "coal preparation **plant** [FACILITY]" means a **stationary source** [FACILITY] that prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and that processes more than 200 tons per day of coal; the term includes any combination of thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment, breakers and crushers, coal storage systems, and coal transfer systems within the **stationary source** [FACILITY];

(19) **repealed** / / / ["COMBUSTION SOURCE" MEANS, FOR THE PURPOSE OF DETERMINING INSIGNIFICANT SOURCES UNDER 18 AAC 50.335(T), FUEL BURNING EQUIPMENT OTHER THAN INTERNAL COMBUSTION ENGINES];

(20) "commissioner" has the meaning given in AS 46.03.900;

(21) "conservation vent" means a vent containing a pressure-vacuum valve designed to minimize emissions of vapors from a storage tank due to changes in temperature and pressure;

(22) "construct" or "construction" has the meaning given in AS 46.14.990;

(23) "construction permit" has the meaning given in AS 46.14.990;

(24) **repealed** / / _____ ["CONTAMINANT" MEANS AIR CONTAMINANT];

(25) **repealed** / / _____ ["CONTAMINANT OUTLET" HAS THE MEANING GIVEN IN AS 46.14.990];

(26) "delivery tank" means the tank portion of a tank truck, tank trailer, or rail tank car, but does not include a tank of less than 2,500 gallons used to test or certify metering devices;

(27) "department" has the meaning given in AS 46.03.900;

(28) "designated" means a designation made by 18 AAC 50.015;

(29) **repealed** / / _____ ["ELECTRIC UTILITY STEAM GENERATING UNIT" MEANS ANY STEAM ELECTRIC GENERATING UNIT THAT IS CONSTRUCTED FOR THE PURPOSE OF SUPPLYING MORE THAN ONE-THIRD OF ITS POTENTIAL ELECTRIC OUTPUT CAPACITY AND MORE THAN 25 MW ELECTRICAL OUTPUT TO ANY UTILITY POWER DISTRIBUTION SYSTEM FOR SALE; ANY STEAM SUPPLIED TO A STEAM DISTRIBUTION SYSTEM FOR THE PURPOSE OF PROVIDING STEAM TO A STEAM-ELECTRIC GENERATOR THAT WOULD PRODUCE ELECTRICAL ENERGY FOR SALE IS ALSO CONSIDERED IN DETERMINING THE ELECTRICAL ENERGY OUTPUT CAPACITY OF A FACILITY];

(30) "emission" has the meaning given in AS 46.14.990;

(31) **repealed** / / _____ ["EMISSION CAP" MEANS A RESTRICTION ON THE POTENTIAL TO EMIT THAT IS INDEPENDENT OF ANY OTHER APPLICABLE REQUIREMENT AND THAT IS ESTABLISHED UNDER A CONSTRUCTION PERMIT ISSUED UNDER THIS CHAPTER];

(32) "emission limitation" has the meaning given in AS 46.14.990;

(33) "emission standard" has the meaning given in AS 46.14.990;

(34) "EPA" means the United States Environmental Protection Agency;

(35) "excess emissions" means emissions of an air **pollutant** [CONTAMINANT] in excess of any applicable emission standard or limitation;

(36) "expected," as that term is used in 18 AAC 50.010, has the meaning given in 40 C.F.R. Part 50, Appendices K and H, adopted by reference in 18 AAC 50.035;

(37) **repealed** / / / ["FACILITY" HAS THE MEANING GIVEN IN AS 46.14.990];

(38) "federal administrator" has the meaning given in AS 46.14.990 and includes the federal administrator's designee;

(39) **repealed** / / / ["FEDERALLY-ENFORCEABLE REQUIREMENT" MEANS ANY REQUIREMENT ESTABLISHED UNDER THE CLEAN AIR ACT AND ENFORCEABLE BY THE ADMINISTRATOR OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA)];

(40) "fire service" means a fire department registered with the state fire marshal under 13 AAC 52.030, an organized fire brigade established under 8 AAC 61.010, Subchapter 01.1302(a)(1), and a wildland fire suppression organization within the Alaska Department of Natural Resources, Division of Forestry, the United States Forest Service, or the United States Bureau of Land Management/Alaska Fire Service;

(41) "fuel-burning equipment" means a combustion device capable of emission, including flares, but excluding mobile internal combustion engines, incinerators, marine vessels, wood-fired heating devices, and backyard barbecues;

(42) "fugitive emissions" has the meaning given in AS 46.14.990;

(43) "gasoline distribution facility" means a **stationary source** [FACILITY] that stores fuel including gasoline and that transfers gasoline from storage tanks to delivery tanks;

(44) "good engineering practice stack height"

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as amended through December 19, 1996, adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

(45) ["HAZARDOUS AIR CONTAMINANT" AND] "hazardous air pollutant" [EACH] has the meaning given [TO "HAZARDOUS AIR CONTAMINANT"] in AS 46.14.990;

(46) "hazardous waste" means a waste within the scope of 18 AAC 62.020;

(47) "impairment of visibility" means a humanly perceptible change in visibility such as visual range, contrast, or coloration, from that which would exist under natural conditions;

(48) "incinerator" means a device used for the thermal oxidation of garbage or other wastes, other than a wood-fired heating device, including an air curtain incinerator burning waste other than clean lumber, wood wastes, or yard wastes;

(49) "industrial process" means the extraction of raw material or the physical or

chemical transformation of raw material in either composition or character;

(50) "lowest achievable emission rate" **has the meaning given in 40 C.F.R. 51.165(a)(1)(xiii)** [MEANS THE RATE OF EMISSION ACHIEVED UNDER THE MOST STRINGENT EMISSION LIMITATION IMPOSED IN ANY STATE OR ANY EMISSION CONTROL THAT HAS BEEN ACHIEVED IN PRACTICE BY A COMPARABLE SOURCE];

(51) "maintenance area" means a geographical area that EPA previously designated as a nonattainment area and subsequently designated as an "attainment area" under 42 U.S.C. 7407(d)(3) (Clean Air Act, Section 107(d)(3));

(52) "marine vessel" means a seagoing craft, ship, or barge;

(53) "maximum achievable control technology (MACT)" means a maximum achievable control technology emission limitation defined in 40 C.F.R. 63.51, adopted by reference in 18 AAC 50.040, for a new or existing source;

(54) **repealed** / / **_____** ["MAXIMUM ALLOWABLE AMBIENT CONCENTRATION" MEANS AN AMBIENT CONCENTRATION ALLOWED UNDER 18 AAC 50.020];

(55) "maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature reported by the National Weather Service;

(56) "modification" or "modify" has the meaning given in AS 46.14.990;

(57) "nonattainment air **pollutant** [CONTAMINANT]" means the air **pollutant** [CONTAMINANT] for which a particular area has been designated by the **federal administrator** [DEPARTMENT] as nonattainment in 18 AAC 50.015; this term does not apply outside the boundaries of the areas designated by the department as nonattainment in 18 AAC 50.015;

(58) "nonattainment area" means, for a particular air **pollutant** [CONTAMINANT], an area designated as nonattainment for that air **pollutant** [CONTAMINANT];

(59) "nonroad engine" has the meaning given in 40 C.F.R. 89.2, as amended through December 19, 1996, adopted by reference;

(60) **repealed** / / **_____** ["NONROAD VEHICLE" MEANS A VEHICLE THAT IS POWERED BY A NONROAD ENGINE AND THAT IS NOT A MOTOR VEHICLE OR A VEHICLE USED SOLELY FOR COMPETITION];

(61) "nonroutine repair" means an immediate repair to correct an unavoidable emergency or malfunction;

(62) "open burning" means the burning of a material that results in the products

of combustion being emitted directly into the ambient air without passing through a **stack, flare, vent, or other opening of an emission unit from which an air pollutant could be emitted** [CONTAMINANT OUTLET];

(63) "operator" has the meaning given in AS 46.14.990;

(64) "organic vapors" means any organic compound or mixture of compounds evaporated from volatile liquid or any organic compound or mixture of compounds in aerosols formed from volatile liquid;

(65) "owner" has the meaning given in AS 46.14.990;

(66) "particulate matter" means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;

(67) "permit" includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990; **and the same elements as they occur in a minor permit under AS 46.14.130(c);**

(68) "person" has the meaning given in AS 46.14.990;

(69) "petroleum refinery" means a facility engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

(70) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

(71) "potential emissions" has the meaning given to the term "potential to emit" in AS 46.14.990;

(72) "potential to emit" has the meaning given in AS 46.14.990;

(73) "ppm" means parts per million;

(74) "practical means available" means, when approving the open burning of liquid hydrocarbons produced during oil or gas well testing, that all alternative disposal methods will have been analyzed and, where an environmentally acceptable procedure exists, **that procedure** [IT] will be required;

(75) "putrescible garbage" means material capable of being decomposed with sufficient rapidity to cause nuisance or obnoxious odors;

(76) "rated capacity" means the maximum sustained capacity of the equipment based on the fuel or raw material, or combination of fuels or raw materials, that is actually used and gives the greatest capacity;

(77) "reconstruct" **and "reconstruction" have** [HAS] the meaning given **to reconstruction in 40 C.F.R. 63.2** [IN AS 46.14.990];

(78) "reduction in visibility" means the obscuring of an observer's vision;

(79) "regionally significant project" has the meaning given in 40 C.F.R. 93.101 adopted by reference in 18 AAC 50.710;

(80) "regulated air **pollutant** [CONTAMINANT]" has the meaning given in AS 46.14.990;

(81) "responsible official" means

(A) for a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly-authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under AS 46.14 or this chapter, and

(i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to the representative is approved in advance by the department;

(B) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(C) for a public agency, a principal executive officer or ranking elected official; for the purposes of this chapter, a principal executive officer of a federal agency includes the chief executive officer with responsibility for the overall operations of a principal geographic unit in this state;

(82) "scheduled maintenance" means activities planned in advance designed to keep equipment in good working order;

(83) "shutdown" means performing all activities necessary to cease operation of a source;

(84) "small business facility" has the meaning given in AS 46.14.990;

(85) "smolder" means to burn and smoke without flame;

(86) **repealed** / / ["SOURCE" HAS THE MEANING GIVEN IN AS 46.14.990];

(87) "stack" **has the meaning given in 40 C.F.R. 51.100(ff)** [MEANS A CHIMNEY OR CONDUIT THROUGH WHICH AIR OR AIR CONTAMINANTS ARE

EMITTED INTO THE ENVIRONMENT];

(88) "standard conditions" means dry gas at 68° F and an absolute pressure of 760 millimeters of mercury;

(89) "startup" means

(A) for an internal combustion engine aboard a marine vessel, the point in time that emissions begin to exit from the vessel as a result of igniting the engine; and

(B) for all other sources, the setting into operation of a source for any reason;

(90) "state air quality control plan" means the plan adopted by reference in 18 AAC 50.030;

(91) "technology-based emission standard" means

(A) a best available control technology standard;

(B) a lowest achievable emission rate standard;

(C) a maximum achievable control technology standard established under 40 C.F.R. Part 63, Subpart B, adopted by reference in 18 AAC 50.040(c);

(D) a standard adopted by reference in 18 AAC 50.040(a) or (c); and

(E) any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors;

(92) "temporary construction activity" means construction that is completed in 24 months or less from the date construction begins and includes any period of inactivity during that 24-month period;

(93) **repealed** / / / ["TITLE I MODIFICATION" MEANS

(A) A MODIFICATION DESCRIBED IN 18 AAC 50.300(h)(3)-(10);

OR

(B) A MODIFICATION UNDER THOSE PROVISIONS OF 40 C.F.R. 60, 40 C.F.R. 61, OR 40 C.F.R. 63, ADOPTED BY REFERENCE IN 18 AAC 50.040;

(94) **tpy** ["TPY"] has the meaning given in AS 46.14.990;

(95) "total suspended particulate" or "TSP" means particulate matter as measured by a method specified in the department's *Air Quality Assurance Manual for Ambient Air Quality Monitoring*, adopted by reference in 18 AAC 50.030;

(96) "uncontaminated fuel" means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

(97) "upset" means the sudden failure of equipment or a process to operate in a normal and usual manner.

(98) "vapor collection system" means all equipment, ducts, piping, valves, and fittings necessary to prevent organic vapors displaced at a loading rack from being emitted into the atmosphere;

(99) "vapor-laden delivery tank" means a delivery tank that is being loaded with volatile liquid or that was loaded with volatile liquid during the immediately preceding load;

(100) "volatile liquid" means a liquid compound or mixture of compounds that exerts a maximum true vapor pressure of 0.5 pounds per square inch or more;

(101) "volatile liquid loading rack" means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

(102) "volatile liquid storage tank" means any stationary storage vessel that contains a volatile liquid;

(103) **repealed** / / / ["VOC" OR "VOLATILE ORGANIC COMPOUND" HAS THE MEANING GIVEN IN 40 C.F.R. 51.100, AS AMENDED THROUGH JULY1, 1999, ADOPTED BY REFERENCE];

(104) **repealed** / / / ["WELL SERVICING EQUIPMENT" MEANS PORTABLE EQUIPMENT FOR SERVICING OIL AND GAS WELLS THAT ONLY STAYS ON SITE FOR RELATIVELY SHORT AND VARYING PERIODS OF TIME AND INCLUDES COILED TUBING UNITS, CEMENT PUMPS, MUD PUMPS, WIRELINE EQUIPMENT, WELL LOGGING EQUIPMENT, WELL PERFORATING EQUIPMENT, AND WELL FISHING EQUIPMENT, BUT EXCLUDES DRILL RIGS AND ASSOCIATED ENGINES, BOILERS, HEATERS, CAMPS AND CAMP EQUIPMENT, PITS, AND TANKS];

(105) "wood-fired heating device" means a device designed for wood combustion so that usable heat is derived for the interior of a building and includes wood-fired stoves, fireplaces, wood-fired cooking stoves, and combination fuel furnaces or boilers that burn wood, but does not include a device that is primarily a part of an industrial process and incidentally provides usable heat for the interior of a building;

(106) "grate cleaning" means removing ash from fireboxes;

(107) "soot-blowing" means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces;

(108) "portable oil and gas operation" means an operation that moves from site to site to drill or test an oil or gas well, and that uses drill rigs, equipment associated with drill rigs and drill operations, well test flares, equipment associated with well test flares, camps, or

equipment associated with camps; “portable oil and gas operation” does not include equipment that operates at a single pad or platform, or at pads within a quarter of a mile of each other, for more than 24 consecutive months **or operations that remain at the same location, as defined in 40 C.F.R. 89.2, for 12 consecutive months or more;** for purposes of this paragraph,

(A) periods of inactivity between operations count towards the **12 and 24** consecutive month **limits** [LIMIT]; and

(B) “test” means a test that involves the use of a flare;

(109) “rig day” means each calendar day that a single drill rig is drilling or testing an oil or gas well in normal operation or standby service; “rig day” does not include a day when

(A) equipment is not operating; or

(B) only light plants are operating;

(110) “casting off” means the first release of a line securing a vessel to shore as part of the process of leaving berth;

(111) “make fast to the shore” means to secure the last line necessary to secure a vessel in its berth;

(112) “weighing anchor” means to begin heaving in the anchor with intent to retrieve it and get underway, regardless of how the chain tends when heaving in begins;

18 AAC 50.990 is amended by adding new paragraphs to read:

(113) “administrator” means the administrator of the United States Environmental Protection Agency, except as otherwise provided in 18 AAC 50.040;

(114) “baseline actual emissions” has the meaning given in 40 C.F.R. 52.21(b);

(115) “begin actual construction” has the meaning given in 40 C.F.R. 52.21(b);

(116) “building, structure, facility, or installation” has the meaning given in AS 46.14.990;

(117) “clean unit” has the meaning given in 40 C.F.R. 52.21(b)(42);

(118) “commence” as applied to construction of a stationary source or modification has the meaning given in 40 C.F.R. 52.21(b)(9);

(119) “emission unit” has the meaning given in AS 46.14.990;

(120) “hazardous air pollutant major source” has the meaning give for the term “major source” in 40 C.F.R. 63.2;

(121) “major stationary source” means

(A) for the purposes of 18 AAC 50.310, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.166(b)(1);

(B) for the purposes of 18 AAC 50.320, a stationary source or physical change that meets the definition of “major stationary source” under 40 C.F.R. 51.165(a)(1)(iv);

(122) “major modification” means

(A) for the purposes of 18 AAC 50.310, a change that meets the definition of “major modification under 40 C.F.R. 51.166(b)(2);

(B) for the purposes of 18 AAC 50.320, a change that meets the definition of “major modification under 40 C.F.R. 51.165(a)(1)(v);

(123) “minor permit” means a permit issued under 18 AAC 50.500 – 18 AAC 50.570;

(124) “Nikiski Industrial Area” means following area of the Kenai Peninsula: Township 7 North Range 12 West, Sections 21, 22, 27, and 28;

(125) “PAL effective date” has the meaning given in 40 C.F.R. 52.21(aa);

(126) “PAL effective period” has the meaning given in 40 C.F.R. 52.21(aa);

(127) “PAL major modification” has the meaning given in 40 C.F.R. 52.21(aa);

(128) “PAL permit” means a permit issued under 18 AAC 50.508(a)(3) and either 18 AAC 50.542, 18 AAC 50.306, 18 AAC 50.311, or 18 AAC 50.326, that establishes a PAL for a major stationary source;

(129) “PAL pollutant” means the pollutant for which a PAL is established at a major stationary source;

(130) “plantwide applicability limitation” or “(PAL)” means an emission limitation expressed in tons per year, for a pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with 18 AAC 50.520 – 18 AAC 50.529;

(131) “PM 2.5” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers;

(132) “pollution control project” or “PCP” has the meaning given in 40 C.F.R. 52.21(b)(32);

(133) “Port of Anchorage stationary source” means a stationary source located in the Port of Anchorage that contains one or more emission units subject to a standard in 18 AAC 50.085 or 18 AAC 50.090;

(134) “project” has the meaning given in 40 C.F.R. 51.166(b);

(135) “PSD major stationary source” has the meaning given to “major stationary source” in 40 C.F.R. 52.21(b)(1);

(136) “PSD major modification” has the meaning given to major modification in 40 C.F.R. 52.21(b)(2);

(137) “PSD program” has the meaning given in 40 C.F.R. 52.21(b)(43);

(138) “regulated NSR pollutant” has the meaning given in 40 C.F.R. 51.166(b);

(139) “reviewing authority” means the department;

(140) “stationary source” has the meaning given in 40 C.F.R. 51.166(b);

(141) “thermal soil remediation unit” means a stationary source that causes petroleum contamination to be desorbed from soils by directly heating the soil;

(142) “Title I” permit means a permit issued under 18 AAC 50.306, 18 AAC 50.311, or 18 AAC 50.502 – 18 AAC 50.570, an owner requested limit issued under the former 18 AAC 50.225, or a permit issued under the former 18 AAC 50.300 – 325, or the former 18 AAC 50.400;

(142) “Title V permit” means a permit required by 18 AAC 50.340. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am 1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002, Register 164; am 8/8/2003, Register 167; am ___/___/___, Register ___)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993